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ABSTRACT

This unit for teaching U.S. history was designed to help students understand, appreciate, and analyze the magnitude of the Founders' creation. It permits them to understand issues confronting the Founders in 1787, to become involved in the process of resolving these issues, to comprehend the actual solutions developed by the Founders, and to speculate on the motives of the men who wrote the fundamental law of the United States. This unit creates a simulation exercise. Students prepare to participate by reading short biographies giving the political views of some of the most influential Founding Fathers. Each student is assigned a Founder and challenged to represent that delegate's views at a mock convention. To prepare for this experience, students study their delegates' views, familiarize themselves with the fundamental questions of government addressed at the convention, analyze the weaknesses of the Articles of Confederation, and learn of Shays' Rebellion and the issues it raised. Then they are asked to resolve five major issues faced by the men who wrote the U.S. Constitution: (1) balancing the interests of the large and small states on the issue of representation; (2) strengthening the national government without needlessly limiting the states; (3) permitting majority rule while protecting the interests of minorities; (4) protecting the rights of the people without unnecessarily limiting the powers of the national government; and (5) restricting slavery without needlessly antagonizing the southern states. Students must decide if the government could live up to the ideals of the Declaration of Independence while exercising the powers needed to rule effectively. (DK)

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MAKING THE CONSTITUTION

by Thomas Ladenburg

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Thomas Ladenburg

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Boulder, Colorado
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FOREWORD

Recent research indicates rather clearly that students' knowledge of U.S. history falls far short of what we as educators would deem to be desirable or even adequate. It is less clear, however, that some researchers' indictments of social studies curricula as too focused on process explain the shortfalls. In fact, analysis of such test data as the National Assessment of Educational Progress indicates that students perform less well on questions that assess their skills in gathering and processing information than on those that evaluate their understanding of facts and concepts.

In a 1986 article in *Social Education*, Fred M. Newmann may have identified issues that strike closer to the truth behind our difficulties in history—and more broadly social studies—instruction: the desire for broad coverage at the expense of depth of understanding, student disengagement (or boredom!) with social studies, and mediocre teaching. Newmann suggested a three-pronged attack on these problems: replacing coverage with depth, engaging students through modifications in teaching strategies and improvements in school culture, and encouragement of teacher collegiality.

Because Newmann's recommendations resonate with the staff of the Social Science Education Consortium, we are happy to be publishing this volume, the first in a series of U.S. history units. Each unit will enable teachers to delve into a particular topic or period in depth. In addition, because the units have been used by the author and scores of other teachers in Massachusetts, they embody successful teaching practices that others can easily implement.

As we publish additional units, we welcome users' feedback. In fact, we would like nothing better than to be the facilitator for a network of history teachers exchanging ideas and materials that work. We invite your participation.

James R. Giese, Executive Director
Social Science Education Consortium

INTRODUCTION

The U.S. Constitution was written by men representing diverse sectional and economic interests; they rose above their immediate material concerns to forge a document that has served their nation admirably for more than 200 years. Theirs undoubtedly was the greatest achievement in constitution-making known to history, ranking as one of the most noteworthy intellectual accomplishments of Western Civilization. This unit was designed to help students understand, appreciate, and analyze the magnitude of the Founders' creation. It provides information that permits them to understand the issues confronting the Founders in 1787, to become involved in the process of resolving these issues, to comprehend the actual solutions developed by the Fathers, and to speculate on the motives of the men who wrote the fundamental law of this land.

The heart of this unit is a simulation exercise. Students are prepared to participate in this exercise by reading short biographies giving the political views of some of the most influential Founding Fathers. Each student is assigned one of the Founding Fathers and is challenged to represent his/her delegate's views at the mock convention. As students prepare for this experience, they study their delegates' views, familiarize themselves with the fundamental questions of government addressed at the convention, analyze the weaknesses of the Articles of Confederation, learn of Shays' Rebellion and the issues it raised, and rehearse the roles they will play at the convention. With this as background, they are asked to resolve five major issues faced by the men who wrote the U.S. Constitution:

- balancing the interests of the large and small states on the issue of representation
- strengthening the national government without needlessly limiting the states
- permitting majority rule while protecting the interests of minorities
- protecting the rights of the people without unnecessarily limiting the powers of the national government
- restricting slavery without needlessly antagonizing the southern states

In the process of considering these issues, students must decide, in effect, if the government could live up to the ideals expressed in the Declaration of Independence while exercising the powers needed to rule effectively.

Unit Overview

The unit is divided into four parts: preparing for the simulation, conducting the simulation, analyzing the Constitution, and writing a concluding paper. In Chapters 1-5, students get the background information they need to prepare themselves for the simulation. Major sections include biographies of the Founders, various constitutions written during the period, a summary of the ideology of the period as well as the problems under the Confederation, an explanation of the five major issues before the convention, and a description of Shays' Rebellion with an analysis of what issues it raised.

Chapters 6-10 cover the convention itself. Students read a brief description of each issue being discussed, followed by edited excerpts from the debates on the issue. In class, they give speeches, ask penetrating questions, defend their views, discuss the issues, caucus, and vote on the resolutions before the convention.

The third part of the unit covers the decisions on these issues made by the Founders. The Constitution is reprinted, with the original wording on one side of the page, and a simplified version for high school students on the other. Guide questions help focus students' attention on the relevant phrases and passages in the Constitution.

The unit ends with students reading interpretations of the Founders' motives from five different historical schools of thought and writing a major essay on the motives of the Founders.

Purpose and Rationale

This unit involves students in a four-step learning process, beginning with learning the political, ideological, and social class context within which decisions were made. Next, students are involved in a moral or ethical dilemma raised in this context (i.e., resolving the five issues before the convention). Then students learn what actually happened; in this case, students learn how the Founders resolved the five issues. Finally, adopting a different perspective by playing historian, students analyze the motives of the Founders and write a comprehensive paper supporting their conclusions. In forming their conclusions and in organizing and developing their final essay, students are aided by their understanding of the Founders' political views, their knowledge of the need for a stronger federal system, their analysis of how the issues were actually resolved by the Founders, and the practical experience in the classroom political process.

At the very least, students who complete the unit learn a great deal about the U.S. Constitution—how and why it was written, what flaws it had, and how these were or can be corrected. At best, however, students will have done far more. They will have thought through important issues of government and then approached these problems from a fresher perspective—acting at one point as advocates of a position and at another time reflecting as critics. They will have been required to think through the issues, organize their thoughts, present their thoughts orally, and then commit these thoughts to paper. They will have participated in a unique inquiry experience that effectively combines both the affective and cognitive domains.

Summary of Daily Activities

The following outline of each day's activities may serve as a guide for teachers in preparing their lessons.

Chapter 1: Writing a Constitution

This chapter introduces the unit. It touches on the events leading from the Declaration of Independence to the writing of the Articles of Confederation and describes the problems under the Articles. This is followed by an explanation of the five major issues before the constitutional convention, which become the subject of the classroom simulation.

At the end of this lesson, students pick or are assigned their roles for the simulation. In preparation, teachers should assign students to read at least three of the biographies contained in the appendix. These biographies relate interesting events in the lives of 25 of the delegates who played key roles at the actual convention and summarize their political views.

Chapter 2: The Age of Constitution Making

After the War for Independence began, all 13 colonies made changes in their constitutions, reflecting many of the new democratic ideas generated in this age of revolution. These ideas are presented under such section headings as executive branch, legislative branch, separation of powers, and bill of rights. The Articles of Confederation are compared to the unwritten constitution between England and the colonies prior to 1776. Although this chapter may be skipped entirely without seriously altering the orderly development of this unit, it does serve several useful purposes. Teachers may use it profitably as an inquiry lesson on the thrust of democratic ideas during the Revolution, a review lesson on the idea of the separation of powers between the three branches of government, a lesson anticipating some of the problems under the Articles of Confederation, and/or a lesson showing the convergence of democratic thinking and opposition to centralized power.

Chapter 3: The Age of Change

According the Gordon Wood's important work on this period, a fundamental change occurred in American society following the exodus of the colonial aristocracy during the period following the Battle of Lexington. As a result, a new leadership class rose to power; their credentials no longer were wealth, education, and social standing. These new leaders would be disposed to taking radical

measures such as, in the parlance of conservatives of the day, abolishing all debts, an "equal division of property," or other such "wicked schemes." Chapter 3 advances this argument, presenting Madison's warnings about the "danger of factions." These factions were defined by Madison as special-interest groups, such as debtors and the landless, with more allegiance to their self-interest than to the common good of society.

In presenting this optional lesson, teachers should explain the meaning of the term faction; show how the controls over society in pre-revolutionary America were supplied by an aristocracy of wealth, education, and talent; and discuss how special-interest groups (factions) threatened stability and continuity in society. Using this analysis as a starting point, teachers could begin to explain the divisions in the convention between the "aristocrats" who feared factions, particularly of the majority, and democrats, who had more faith in the people's ability to elect their own rulers.

Chapter 4: Paper Money and Shays' Rebellion

This chapter tells the story of Shays' Rebellion. It discusses the fear this rebellion caused, the use many states made of paper money, the post-war depression, the reasons for high taxes in Massachusetts, and the justifiable grievances of Massachusetts farmers. Students debate the issues, with the "democratic" Founders supporting the debtor-farmers in Massachusetts, advocating printing more paper money, and opposing any changes in the Articles of Confederation. The "aristocratic" Founders, on the other hand, come out against paper money, for law and order, and for a stronger central government. Founders favoring states' rights and a bill of rights should line up with Shays; those favoring a stronger national government and those opposed to a bill of rights would be against the debtor-farmers.

It is important that students learn the arguments on both sides of this debate. Many of them are used in the constitutional convention and thus should become part of the "repertoire" of each side. In fact, the news of Shays' Rebellion prompted the calling of the convention and the rebellion was on many delegates' minds during the deliberations.

Chapter 5: The Road to Philadelphia

This chapter reviews the major problems that led to the calling of the convention for the purpose of amending the Articles of Confederation. It also lists the five major issues before the convention, presents the resolution to be voted on during the convention, and details the procedures to be used in running the convention. Teachers should use this lesson to help students familiarize themselves with the issues and understand their delegates' positions on each.

Chapters 6-10: The Convention

The simulation requires five days to complete, with each day devoted to one of the major issues: (1) representation by state or by population, (2) local control vs. national authority, (3) majority rule vs. checks and balances, (4) the Bill of Rights, and (5) slavery and the slave trade. Every day of the convention should begin with delegates stating the issue of the day in their own words. They must have either a speech or notes on the speeches they read for homework and a brief statement explaining what they plan to do that day in class to represent their delegates' positions. Each student must represent his/her delegate's views whenever the delegate spoke in the debates on that issue at the actual convention and for at least three days during the convention. On the other two days, students may represent their own beliefs, providing their delegates did not speak against those views at the actual convention.

Brief notes on the content covered each day of the simulation are provided below.

Chapter 6: Representation by State or by Population. The representation by state or population issue is particularly appropriate for the first day of the convention because it raises two important questions: (1) whether the Founders should break with their instructions to merely amend the Articles or to chart an untried course and write an entirely new constitution; and (2) whether the new government

should be based on the equality of artificial entities called states or the equality (or equal rights) of people. At the real convention, agreement depended on a compromise between the interests of large and small states. David Brearley and William Paterson joined George Read in making the strongest argument for the small states while Madison, Gouverneur Morris, James Wilson, and Rufus King were strong advocates of the large states' position. In this mock convention, as in the real, the split between large and small states is about even, with Benjamin Franklin and Roger Sherman standing in the wings ready to propose the famous Great or Connecticut Compromise giving proportional representation in the House based on population and equal representation in the Senate based on the premise of equal states.

Chapter 7: Local Control vs. National Authority. The issue of granting more power to the national government at the expense of the states was the single most important topic that brought the Founders to Philadelphia. Perhaps the most interesting argument before the convention on this question was Hamilton's proposal to abolish the states altogether except as administrative lines of authority from the president to the governors of these depleted entities. On the other side, Luther Martin expressed the most articulated argument against Hamilton's proposal, advancing the belief that the national government's purpose should be to protect and not to swallow the states. Other speeches on this issue sought some fine-tuned formula to make the national government sufficiently strong to deal with national concerns, but not so strong as to obviate the state governments. The focus of these arguments was giving the national government power to veto state statutes it finds contrary to the Constitution.

Chapter 8: Majority Rule vs. Checks and Balances. It is well known that the Founders distrusted the people's ability to always make wise and just decisions and they believed one important job of the convention was to enable the government to control the governed. Yet they also recognized the people as the only legitimate source of political power and wanted to be sure that the government could control itself. To accomplish the initial aim, the Founders set forth a system of checks and balances on the power of the people to directly elect chief executives, senators, and supreme court justices. To accomplish its second purpose, the Founders provided for the presidential veto, the override and power to impeach and convict for the legislative branch, and a life term for the judiciary.

The Founders did not come easily to this formulation. Fear of majority rule was quite pronounced among such Founders as James Madison, often referred to as the "philosopher of the Constitution"; Alexander Hamilton, one of its staunchest defenders; and Gouverneur Morris, author of its final draft. At the same time, such other members of the convention as James Wilson, George Mason, and Benjamin Franklin spoke in behalf of the common man.

Chapter 9: The Bill of Rights. At the convention in Philadelphia, the Founders spent little time thinking about a bill of rights and concluded early on that the enumeration of some rights would lead to the assumption that others, not listed, were denied; that a bill of rights was not needed in a country where the people and not a king ruled; that the rights themselves were too difficult to define to make such a bill useful; and, since the Constitution did not grant the national government the power to deprive the people of specific rights, no bill was needed.

These arguments against having a bill of rights are not valid and never were, but they do deserve discussion if for no other reason than to challenge students to see the fallacy in each of the arguments. Class time can also be used productively by students who wish to draw up their own bills and convince classmates that those rights need to be protected.

Chapter 10: Slavery and the Slave Trade. The most divisive debate in the 1787 convention was whether Congress should be granted the power to end the slave trade (abolishing slavery itself was not seriously considered at the convention). At one point in the proceedings, Southern delegates stormed out of the convention. The final outcome of the discussions related to slavery postponed the decision to end the slave trade for 20 years, gave Southerners the right to extradite fugitive slaves, counted each slave as 3/5ths of a person for the purpose of representation and taxation, and did not give Congress the power to end slavery.

Students in the 20th century, of course, will not be so generous to the South—and teachers may allow the debate to include discussions of doing away with slavery completely. Furthermore, teachers may want to encourage Southern delegates to leave the convention (they always come back). John Rutledge and Charles Pinckney, joined by North Carolina and Georgia and with the help of a few Northern friends, should make strong arguments for continuing the slave trade and slavery. Moral outrage should be voiced by John Dickinson, Morris, King, Mason, Martin, and others who feel strongly on this issue.

Chapter 11: The Constitution

Without a thorough examination of how the Founders resolved the problems they faced, the simulation would have little point. Special care is therefore taken to organize review of the Constitution so that students can examine the actual resolutions of the issues discussed and simulated at the mock convention. The Constitution, with annotations, is reproduced in the chapter. Also included in the chapter are several exercises that will help students examine the division of power between large and small states, the division of power between national and state governments, the system of checks and balances and the election/selection process, the Bill of Rights, and slavery.

Chapter 12: The Debate over Ratifying the Constitution

The Constitution was to replace the Articles of Confederation if the people's representatives in nine of the thirteen states approved of (ratified) it. The question was whether nine states would indeed ratify the Constitution. The answer was decided in separate battles in each of the thirteen states. This chapter looks at the arguments in favor of the Constitution, as well as those against it. It also examines how the ratification struggle was fought in both the small and large states.

Chapter 13: The Founders' Motives

This chapter provides students with a brief summary of writings on the intentions of the Founders. It begins with an excerpt on the view of the Founders as demi-gods and/or heroes, who resolved the major issues facing the country by writing a near-perfect Constitution. It also provides excerpts from the writings of those who viewed the Founders as serving their own economic and class interests. The chapter ends with students receiving an assignment to write an essay on the motives of the Founders.

Components of the Program

Three kinds of material are presented to help teachers use the unit. First are the teacher directions, which include the following information for each chapter: an overview of the content and procedures for that chapter, objectives, an estimate of the time required, a list of materials needed, step-by-step procedures for teaching the lesson, and an assignment for students to complete in preparation for the next chapter.

For some chapters, handouts other than the student reading are also provided. These are worksheets or directions for other kinds of activities. The masters for these handouts are presented immediately following the teacher directions for the chapter, allowing them to be distributed separately if you wish.

Each chapter also includes student reading material. The student reading material is presented at the end of the book (see page 55). For cost reasons, the material is printed on both sides of the paper. If you do not have a copy machine that can handle this type of original, you will need to copy one side of each page and insert the copies with the originals to form a complete master set for duplication. We regret any inconvenience this may cause.

CHAPTER 1: WRITING A CONSTITUTION

Overview:

This chapter serves as an introduction to the unit. It touches on the events leading from the Declaration of Independence to the writing of the Articles of Confederation and describes the problems under the Articles. This is followed by an explanation of the five major issues before the constitutional convention, which become the subject of this classroom simulation. Each of these issues—representation by state or population, local control vs. national authority, majority rule vs. checks and balances, the Bill of Rights, and slavery and the slave trade—will be resolved at the convention, one issue per day.

The lesson opens with reading the chapter, followed by discussion. Students are then introduced to how the simulation will work and the tasks they will be expected to complete. In addition, roles for the simulation are chosen.

It is advisable to assign your best students some of the key roles in the simulation: Luther Martin, James Madison, and Alexander Hamilton. As the one outspoken liberal at the convention, Martin's role is essential. In fact, Martin's part in challenging the conservatives is so central that it may be useful to have two students play the role or to assign equally strong students to play Mason and Lansing and then tell these students to use Martin's arguments. Other important parts are Brearley, Paterson, and Dickinson, who argue the case for the small states on the representation issues; Franklin and Sherman, who propose the Great Compromise; and Pinckney and Rutledge, who should be relied upon to represent the South on the slavery issue. The delegates easiest to omit if you have fewer than 25 students are Baldwin, King, and Langford, in that order.

Although you may allow students to select their own roles, assigning all the roles is less time-consuming and ensures that you have strong students in key roles. Whether you assign the roles or allow students to select them, each student should read at least five of the biographies provided in the appendix. These biographies, which include the 25 best-known and most influential delegates, will give students a broader view of the delegates as a group.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain problems under the Articles of Confederation.

2. List five problems to be resolved by the constitutional convention.

3. Describe three delegates and their positions on major issues.

Time Required: 1-2 class periods

Materials: Copies of student Chapter 1 for all students (optional), copies of Handout 1-1 for all students, enough copies of the biographies from the appendix for each student to have five

Procedure:

1. Explain to students that they are about to begin a unit called "Making the Constitution." This unit looks at the problems facing the 55 men who attended the 1787 Philadelphia convention and the solutions they reached. However, it also looks at the hard bargaining, debate, and compromise over important differences of interest and principles. To do this, students will simulate the process of constitution-making. Each student will take the part of one of the actual delegates and attempt to include his ideas in the Constitution. Before this mock convention, students will read background information on the problems facing the nation. After the convention, they will read the Constitution to see how the Founders resolved the issues.

2. Assign students to read Chapter 1 or read the material with the class. As an alternative, you might present a brief lecture on the material covered in the chapter.

3. Discuss the "Chapter Questions." Some possible answers are given below.

1. Possible definitions/explanations (students should not be expected to have all of the information provided here):

   - "to secure these rights" – Jefferson's words connect the philosophy that guided the American Revolution to the purpose of governments. In short, people form governments to protect their inalienable rights.
   - constitution – document that defines rights of people and describes the duties and organization of government.
   - Articles of Confederation – defined the relationship and obligation of the 13 nation/states; in force from 1781 to 1789.
   - "one vote" – each state had an equal, single vote in the government established under the Articles of Confederation.
   - executive branch – branch of government that enforces laws; with practically no executive branch under the Articles of Confederation, the national government was completely dependent on the good will of the states to collect taxes, raise armies, control trade, enforce treaties, etc.
   - Shays' Rebellion – farmers' revolt in Massachusetts in 1786; an important event leading to the constitutional convention because it highlighted many dissatisfactions with the government under the Articles of Confederation.
   - reasons for rebellion – debts, depression, lack of money.
   - Hamilton, Washington, and Madison – led movement for a new constitution.
   - 55 men – the Founders who wrote the new constitution.

2. The major weaknesses of the country leading to the convention included lack of ability to control currency, regulate trade, enforce treaties, raise an army, and suppress rebellions. There was a good deal of agreement among the Founders that these weaknesses under the Articles needed to be resolved.

3. See p. 56 in the student reading for a list of the five issues.

4. Distribute Handout 1-1 and go over the directions for the convention. Discuss your expectations for notes, speeches, etc. in some detail. Suggest that students keep these directions to remind them of the requirements.

5. Distribute biographies of the Founders to students. Allow time for students to read the five biographies each has been given. Then make the role assignments, being careful to assign able students to the most important roles: Hamilton, Madison, Martin, Lansing, Mason, Franklin, Dickinson, Pinckney, Rutledge, and Brearley. Encourage students to start thinking about how they will argue their delegates' views on the five issues.

Preparation for Chapter 2:

Assign students to read Chapter 2. Ask them to be prepared to tell some important things about their delegate and to describe changes in government brought about by the new state constitutions. You may also ask them to discuss whether the change to more democracy was too fast or too slow according to their delegates.

CONVENTION RULES

Your class is about to stage a "mock" constitutional convention. You will debate and vote on the five issues listed in Chapter 1. Here are the steps you will follow in preparing for and conducting the convention:

1. You will be assigned or will pick one delegate to represent. You will be given a description of your delegate to help you play your role. You should try to represent his views and character as well as you can.

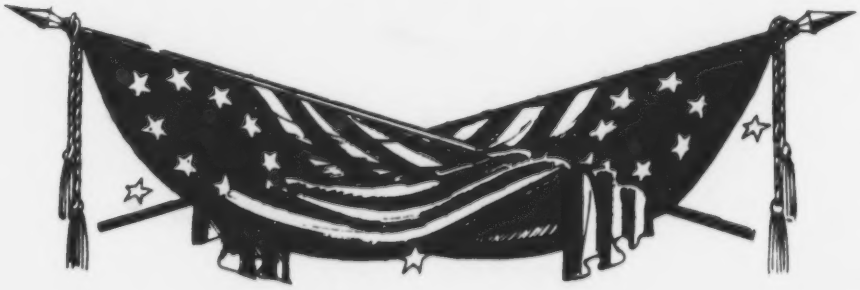
2. Before the convention, you will read more about the events that led up to 1787. Try to figure out what your delegate would have thought about these events.

3. For the five days of the convention, you will take part in the activities that occurred at the real convention – giving speeches, making deals, planning strategies, etc. One issue will be discussed each day. If your delegate spoke in the debates on that issue at the actual convention, you must vote the way your delegate voted. If your delegate did not speak, you may vote your own beliefs on two of the issues, but you must follow his beliefs on the other three.

4. During the convention, you will complete three assignments:

   - Write at least one speech of 200 words designed to convince delegates to vote with you. The speech should "hook" the audience (through a joke, story, or strong statement of the issue's importance), state your position and the reasons for it, and give historical examples to support your argument.
   - Keep a notebook with reading notes stating the issue covered each day and summarizing major speeches given at the convention.
   - Prepare at least one deal sheet, on which you make an agreement with another delegate to gain support on an important issue.

Remember: Your goal is to have as many of your delegate's views as possible reflected in the convention's decisions.



CHAPTER 2: THE AGE OF CONSTITUTION MAKING

Overview:

After the War for Independence began, all 13 colonies made changes in their constitutions, reflecting many of the new democratic ideas generated in this age of revolution. In addition, the Continental Congress appointed a committee to develop a national constitution; the resulting document was the Articles of Confederation.

In this lesson, students read about the changes reflected in the new constitution. The changes are presented in chart form under such headings as executive branch, legislative branch, separation of powers, and bill of rights. After reading and discussing the chapter, students work in small groups to begin formulating arguments regarding how democratic the government should be and how much authority the national government should have.

Objectives: At the conclusion of this lesson, students should be able to:

1. Give examples of changes that indicated a more democratic approach to government in the new nation.

2. Find evidence that the Articles of Confederation gave the national government either enough or too little power and suggest one reason for this fact.

3. Explain how their assigned delegates probably reacted to changes in the state constitution and to the Articles of Confederation.

Time Required: 1 class period

Materials: Copies of student Chapter 2 for all students

Procedure:

1. Review the assignment from the previous day. Students were to read Chapter 2 and be prepared to describe the three branches of state/colonial government, naming one change made in each branch after independence. Ask several students to name changes they noted in reading the chapter.

2. Discuss the "Chapter Questions." Some possible answers are given below.

   1. Possible definitions/explanations (again remember that students should not be expected to provide all of this information):

      - executive branch – law-enforcing branch of government; examples include king, governor, president, mayor.
      - veto power – power (usually of chief executive) to strike down a bill before it becomes a law; usually can be overridden by a two-thirds vote of both houses of the legislative branch.
      - advisory council – governor's council in colonies; members were usually wealthy colonists chosen by governor. Had judicial and legislative functions similar to those of House of Lords in England. Some states, including Massachusetts, still have a governor's council.
      - legislative branch – makes the laws. Commons and Lords in England, Council and Assembly in colonies, Congress in U.S. today.
      - lower house – in legislative branch. Commons in England, Assembly in colonies, House of Representatives in U.S. today.

- appointed officials – issue in colonies was whether the governor or the legislative branch would reap the rewards in allegiances and patronage for making appointments.
- judicial branch – includes all courts from the lowest to the highest.
- separation of powers – doctrine that executive, legislative, and judicial branches all have separate functions; excesses are prevented through such checks as the veto power, the legislative override, and the power of judicial review.
- Bill of Rights – after experience under England, which deprived colonists of the rights they claimed were due to all Englishmen, various states began to list rights in their own constitutions.
- qualifications for voters and office holders – almost universally, voters needed to be freeholders, if not also members of established churches. Under these restrictions, between 50 and 80 percent of adult, white, males could vote. Though not ideal, this was far higher than in any other country in the world at that time.
- rights of colonies vs. rights of states – as indicated, even if the colonists enjoyed a relatively high degree of freedom under British rule, under the Declaratory Act they had none whatsoever. The rights of the states were clearly spelled out in the Articles of Confederation and in the states' own constitutions.
- ratification and amending – comparisons with Great Britain here are difficult because there was no official way of amending constitutions; indeed, there really were no written constitutions. In the U.S. six states allowed the legislature to amend the constitution; all 13 states had to ratify amendments to the Articles of Confederation.
- Articles of Confederation – the first constitution for the United States; it did not give much power to the central government.

2. Students should be able to point to numerous factors of democratic changes, ranging from election of the governors to shorter terms of office, denial of the veto power, control over the upper house of the legislature, control over money bills by lower house, more legislative control of governors, bills of rights in six states, and popular participation in amending and ratifying constitutions.
3. Lack of powers under the Articles included the inability to enforce laws and the lack of power to collect taxes, control currency, regulate commerce (particularly through tariffs and by preventing states from taxing each other) regulate trade, enforce treaties, and suppress rebellions.

3. Have students tell their classmates about their delegates, including what they thought about the issue of too much democracy and the lack of powers given to the government under the Articles of Confederation. Students should be able to explain the reasons for their delegates' views.

Preparation for Chapter 3:

Assign students to read Chapter 3. Ask them to think about how the social changes described in the chapter led to the danger of factions. They should also consider what influence the changes had on their delegates.

CHAPTER 3: THE AGE OF CHANGE

Overview:

According to Gordon Wood's important work on this period, a fundamental change occurred in American society following the exodus of the colonial aristocracy. As a result, a new leadership class rose to power. Their credentials no longer were wealth, education, and social standing. These new leaders—men like Patrick Henry, Samuel Adams, and Daniel Shays—tended to be demagogues, more prone to appealing to the base instincts of the masses and to taking such radical measures as, in the parlance of conservatives of the day, abolishing all debts, an "equal division of property," and other such "wicked schemes."

This chapter explains these changes and the fears they raised in such Founders as Madison. The chapter also presents three mechanisms proposed for controlling "factions": (1) expanding government over a larger area, (2) not allowing people to directly elect their rulers, but only to elect officials more wise than they to vote for the president, senator, and judges, and (3) creating a two-part legislative branch, with an aristocratic house and a democratic house to control each other.

After reading and discussing the chapter, students complete a worksheet identifying whether particular quotations represent the aristocratic viewpoint of Madison or the democratic viewpoint of one of the "new leaders."

Objectives: At the conclusion of this lesson, students should be able to:

1. List the three orders of British society and explain how they were represented in the British and colonial governments.

2. Define and give examples of a faction.

3. Explain three ways that Madison and Adams proposed to limit the effect of the majority faction under the new constitution.

4. Compare the thinking of their own delegates with Madison's on the issue of majority rule.

Time Required: 1 class period

Materials: Copies of student Chapter 3 for all students

Procedure:

1. Review the assignment from the previous day. Students were to read the chapter and think about how the social changes described led to the danger of factions. Have students tell what factions are, why they were seen as dangerous, and how the new constitution would protect the people from a government controlled by any given faction.

2. Proceed to a discussion of the "Chapter Questions." Some possible answers are given below.

    1. Possible definitions/explanations:

        - the three orders in British society and their place in government—three orders were royalty, represented by the King; nobility, represented in the House of Lords; and the common people, represented in the House of Commons.
        - restructuring of society—American society was radically changed when many of the aristocracy left because of their loyalty to the crown.
        - new breed of politicians—those who emerged to take the place of the aristocracy.

- factions – special-interest groups who represented personal ambitions rather than the common welfare.
- republic and democracy – the first is a form of government in which people elect representatives to make laws that promote the common welfare; the second involves direct participation by the people.
- ways a republic can reduce the threat of a majority faction – (1) representatives would be wiser than people and (2) larger area would prevent factions from taking control.

2. Fear of factions was based on the view of humans as being basically self-interested. Without the control provided with the various orders of society, these factions could become a majority able to control policy. In a republic with a two-part legislative branch, factions might gain control of the lower house but they would be checked by the upper house.
3. Answers will vary. Make sure students can give reasons for their answer.

Preparation for Chapter 4:

Assign students to read Chapter 4 and list one argument for and one argument against Shays' Rebellion. They should also think about how their delegates would react to the rebellion.

CHAPTER 4: PAPER MONEY AND SHAYS' REBELLION

Overview:

This chapter tells the story of Shays' Rebellion. It discusses the fear this rebellion caused, the use many states made of paper money, the post-war depression, the reasons for high taxes in Massachusetts, and the grievances of Massachusetts farmers.

After students discuss the basic ideas covered in the reading, they debate whether the problems exemplified by Shays' Rebellion proved that the country needed a stronger central government. This is a good opportunity for students to rehearse the arguments they will use at the mock convention.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain three causes of Shays' Rebellion.

2. Explain why paper money was desired by poor farmers but not by wealthy merchants or creditors.

3. Formulate a position on whether Shays' Rebellion proved that the country needed, or did not need, a much stronger central government.

Time Required: 1 class period

Materials: Copies of student Chapter 4 for all students, students' role description from Chapter 1

Procedure:

1. Review the previous day's assignment by compiling a class list of the reasons for Shays' Rebellion. Write all the reasons students cite on the chalkboard.

2. Lead a class discussion of the "Chapter Questions." Some possible answers are given below.

    1. Possible definitions/explanations:

        - annihilate debts – George Washington's abrupt question to Henry Knox reflects a fear of many national leaders that the farmer rebellion in Massachusetts and its attending demand for paper money might occur in other states as well.
        - "little rebellion" – Jefferson's far less anxious reference to Shays' Rebellion (perhaps because he was in France at the time) reflected his belief that revolutions every 20 years or so were a good thing.
        - Shays at Springfield – the rebellion collapsed as Shays' men were unable to get the weapons in the Springfield arsenal. General Lincoln's dogged pursuit in a snowstorm permanently scattered the rebels and ended the rebellion.
        - paper money – one of the demands from the farmers was that Massachusetts print paper money to end the money shortage and attending appreciation of dollars, which made it so hard for the farmers to repay their debts; paper money had worked in New York, Virginia, and South Carolina but had failed in Rhode Island.
        - poll tax – a per capita tax that hurt poor landholders more than the wealthy.
        - lost farms and debtors' prison – farmers who could pay neither taxes or debts lost their farms and were put in prison, more as a warning to others than as a solution to the problems that caused bankruptcies.
        - closing courts – Shays' farmers used this tactic to forestall foreclosure and imprisonment.

- General Lincoln – Lincoln's army, raised from private donations, put an end to the rebellion.
- $20,000 – the amount needed to suppress the rebellion.

2. Students should be helped to understand the quantity theory of money; namely, the more there is, the less valuable it becomes. Money must not necessarily be supported by specie (after all, ours is not), but it cannot be printed up in great amounts without causing runaway inflation. Debtors wanted paper money to repay their debts with less valuable currencies, while creditors understandably wanted to be repaid in valuable money.
3. There is sufficient information in the chapter for students to make an argument on either side of the issue regarding taxes and foreclosures. The question raising "the right to rebel" requires a different set of assumptions than in the Revolution because the farmers' rebellion was directed against a government they had a hand in electing.

3. Read this proposition to the class:

> Shays' Rebellion shows that the United States needed to replace the Articles of Confederation with a constitution that provided for a stronger national government.

Ask students to reread their role profiles and determine which side of this issue their delegate would take. Have pro/con students pair up and debate the issue. Point out to students that they are beginning to formulate the arguments they will use in the mock convention.

Preparation for Chapter 5:

Assign students to read Chapter 5. Ask them to try to view the issues presented in the chapter through their delegates' eyes. They should be prepared to argue views on (1) the need for a stronger national government and (2) the danger of factions.

CHAPTER 5: THE ROAD TO PHILADELPHIA

Overview:

This chapter depicts the problems arising under the Articles of Confederation (1781-87), which earned this era the title, the Critical Period. Foreign policy failures with both Great Britain and Spain are examined, as are economic problems that could not be resolved by a government unable to collect taxes and regulate trade. Accomplishments under the old constitution—including winning the war, resolving the issues of western lands, and increased trade—are cited. Furthermore, the point is made that problems the United States had with England, which included restoration of lands lost by American loyalists and abandonment of western forts, were too complex for even a powerful government to have resolved during the years after the peace treaty.

Most recent scholarship on this era is a highly acclaimed book by Richard Morris, *The Forging of the Union*. Morris makes a strong case that this period earned its title. Morris's own statistics, however, point to increasing commerce during this period, and his portraits of leading men at the convention seem excessively partisan. Morris has not completely invalidated the works of Jackson Turner Main, whose book on the Anti-Federalists he does not even mention. The arguments of the Anti-Federalists certainly are worth hearing in the mock convention.

Students read and discuss the chapter. They then review their role descriptions and examine a chart showing the delegates' positions on the five issues to be debated at the convention. Finally, students study the convention rules and begin to map their strategies for the convention.

Objectives: At the conclusion of this lesson, students should be able to:

1. List problems and achievements under the Articles of Confederation.
2. Define five issues to be resolved at the convention.
3. Formulate arguments their delegates will use in debating two or three issues at the convention.

Time Required: 1-2 class periods

Materials: Copies of student Chapter 5 for all students; copies of Handouts 5-1, 5-2, and 5-3 for all students; multiple copies of Deal Sheets (several per student); students' copies of Handout 1-1 and role descriptions

Procedure:

1. Use the "Chapter Questions" as the basis for a class discussion on the chapter. Some possible answers are given below.

    1. Possible definitions/explanations:

        - Critical Period—the title historians have given the six years following the end of the Revolution. While there were many problems and a need for a stronger government, a case could still be made that the country could have survived with a few more powers given under the Articles.
        - 13 treaties—John Adams was scornfully told England would have to negotiate separate treaties with each of the 13 states, since the U.S. government lacked the power to enforce its treaties.
        - northwestern forts—Great Britain failed to leave these forts allegedly because the United States did not live up to its responsibilities under the Treaty of Paris, 1783. (Note to teacher: Actually, England stayed in these forts until two years after the Jay Treaty of 1796, and the U.S.-Canadian boundary wasn't settled until 1842.)

- those loyal to England—Tories who left during the Revolution and wanted to regain their land. Under the Peace of Paris, they were granted the right to use U.S. courts to press their claims. However, the states made this difficult; Congress' failure to help was used as an excuse by the British not to leave the forts they promised to vacate in the northwest.
- New Orleans and Spain—Spain refused to allow Americans to use the port city of New Orleans, at the head of the Mississippi River; this was an intolerable situation for western trade.
- collect taxes—though the government under the Articles could levy taxes, it could not collect them. The states were uniformly reluctant to support the government by voluntarily paying the taxes they were assessed.
- mutiny—one of the many harrowing experiences during the Critical Period was a threatened revolt by U.S. Army officers months behind in receiving their pay. Fortunately, George Washington's stirring appeal to their loyalties averted the mutiny.
- quorum—the lack of a quorum frequently made it impossible for Congress to carry on its business.
- approval of all 13 states—without unanimous consent of the states, no amendment to the Articles could be made.
- gains in trade—trade, albeit with an unfavorable balance for the United States, resumed during the Critical Period. This was a sign that problems under this constitution *might* have been resolved without the new constitution.
- Northwest Ordinance—with the Land Ordinance of 1787, this act provided a process for the settlement and development of western lands, from the status of unsettled territories to full fledged states.
- meeting in Philadelphia—after several regional conferences, a meeting was called for May 1787, to amend the Articles of Confederation. This meeting produced our Constitution.

2. Students undoubtedly will select a wide variety from the five issues at the convention—representation, power, democracy, rights, and slavery.

2. Make sure students understand the problems under the Articles and get a feeling for the fact there is more than one school of thought regarding the actual state of crisis in which the country found itself. List the five problems before the convention on the board and distribute Handout 5-1. Ask students to give the opinions of their delegates regarding the issues. They can refer to their role description or Handout 5-2 to assist them.

3. Review with students the rules and procedures for the convention using the material at the end of the reading and Handout 1-1. (If any students have misplaced Handout 1-1, you should provide replacement copies.) Show them the Deal Sheets and explain how they are to be used. Also explain the daily routine to be followed, including caucusing and voting.

4. Distribute Handout 5-3 and have students begin to map out the issues on which they plan to speak in support of their delegates' views. Point out that students will be able to add details as they read more background on the five issues.

5. Allow at least 15 minutes for students to consult with fellow delegates, form alliances, plan joint strategy, and make deals.

Preparation for Chapter 6:

Assign students to read Chapter 6. Tell them to plan what they will do the first day of the simulation carefully so they can play important roles at the convention.

RESOLUTIONS BEFORE THE CONVENTION

Representation by State or by Population

A. Each state in Congress (and at the convention) should have representation in proportion to population.

B. Each state in Congress should have one vote.

C. Each state in Congress should have two votes in a Senate and votes in a House of Representatives in proportion to their free population.

Local Control vs. National Authority

A. The national government should have the power to make laws in all cases in which the harmony of the United States may be interrupted and to veto all state laws that violate the Constitution.

B. The national government ought to make laws binding on the people of the United States **only** in cases that clearly concern the common interests of the country, but otherwise may not interfere with the government of the individual states.

Majority Rule vs. Checks and Balances

A. Who should be allowed to vote?
   1. All men and women age 18 and over
   2. All free men
   3. Only freeholders

B. How should the president be elected?
   1. The president should be elected by the voters.
   2. The president should be elected by Congress.
   3. The president should be elected by special electors appointed for that purpose by the state legislature.

C. What should be the length of terms and provisions for reelection?
   1. President every 2 years; Senators for 4 - unlimited reelections
   2. President every 6 years; Senators for 6 - unlimited reelections
   3. President every 7 years; Senators for 9 - no reelections

Bill of Rights

A. A bill of rights drawn up by a committee should be included in the Constitution.

B. No bill of rights needs to be included in the Constitution.

C. The following rights should be included in the Constitution: (1) liberty of the press, (2) trial by jury in civil cases, and (3) all others delegates think necessary.

Slavery and the Slave Trade

A. The migration or importation of slaves should not be prohibited by Congress prior to 1808.

B. The migration or importation of slaves should not be prohibited by Congress.

C. The migration or importation of slaves should be prohibited immediately.

D. Congress should have the power to abolish slavery.

DELEGATES' POSITIONS ON THE ISSUES

Delegate	Representation	Control	Majority Rule	Rights	Slavery
Baldwin, Ga.	B	C	B	C	B
Brearley, N.J.	A	C	C	C	C
Dickinson, Del.	A	A	B	B	A
Ellsworth, Conn.	C	C	B	C	B
Franklin, Penn.	C	B	A	A	A
Gerry, Mass.	B	B	C	A	C
Gorham, Mass.	B	C	A	A	C
Hamilton, N.Y.	C	A	B	B	C
King, Mass.	A	A	B	C	A
Langford, N.H.	C	A	A	C	A
Lansing, N.Y.	A	B	A	A	A
Madison, Va.	B	A	B	C	A
Martin, Md.	A	B	A	A	A
Mason, Va.	B	B	C	A	A
Morris, Penn.	B	A	B	B	C
Paterson, N.J.	A	C	C	C	A
Pierce, Ga.	A	A	C	C	B
Pinckney, S.C.	C	A	B	A	B
Randolph, Va.	B	C	C	C	C
Read, Del.	A	A	B	B	B
Rutledge, S.C.	C	A	B	B	B
Sherman, Conn.	C	C	B	B	B
Washington, Va.	B	A	C	C	C
Williamson, N.C.	B	C	A	A	B
Wilson, Penn.	B	A	A	B	C

KEY

Representation

A = by state
B = by population
C = compromise or undecided

Control (local or national)

A = national authority
B = local control
C = undecided

Majority Rule

A = democracy
B = checks and balances
C = undecided

Bill of Rights

A = favors Bill
B = opposes Bill
C = undecided

Slave Trade

A = end slave trade
B = keep slave trade
C = undecided

ISSUES COMPLETION SHEET

Issue	My delegate's views on the issue	What my delegate (or delegates who agree with mine) say about this issue	What I plan to do on the day this issue comes up
Representation			
Local control vs. national authority			
Majority rule vs. checks and balances			
Bill of Rights			
Slavery			

DEAL SHEET

I, _____ (student's name) representing

_____ (delegate's name) hereby solemnly agree to

and I, _____ (student's name) representing

_____ (delegate's name) hereby solemnly agree to

witnessed by, _____ (student's name) representing

_____ (delegate's name) on

(date) _____, _____, 1787, during _____ period history class.

Rules for deals:

1. You must turn in at least one deal sheet as evidence that you have negotiated a deal.
2. Failure to comply with a deal (unless it is impossible) will result in loss of credit for completing a deal sheet.

CHAPTER 6: REPRESENTATION BY STATE OR BY POPULATION

Overview:

Each day of the convention simulation is devoted to one of the five major issues delineated in Chapter 5. In using the procedure described at the end of that chapter and in Handout 1-1, teachers should keep the following in mind: At the beginning of each day, the resolutions under discussion should be on the chalkboard, along with a list of the participating states and room to record the votes. After a day or two of successfully running the convention, you may wish to allow a student (George Washington would be especially appropriate) to handle this responsibility. To begin the day's debate, call for the delegates to state the issue to be discussed in a "prejudicial manner" favorable to their position. After several such statements, one delegate should give a speech; if there are no volunteers, you may have to select someone whose delegate has strong views on the issue. When discussion of the first speech wanes, you may either move on to another speaker or stimulate more discussion by playing the "devil's advocate." When the number of students wanting to speak far exceeds the number who can participate, announce a "caucus." Encourage students to leave their seats and talk directly to other delegates. You can help create these conditions by modeling intense involvement (e.g., by marching across the room and prominently engaging students in spirited debate while pulling in others to join sides). After no more than 20 minutes of caucusing, the teacher should gavel (it's advisable to have a suitable instrument for this purpose) the convention to order, ask for a few last arguments, and then begin the voting. Quieting the class down and completing a roll call vote will require at least ten minutes.

Under most circumstances, stating the issue, entertaining speeches and discussions, caucusing, and voting should all take place in one day. Experience has shown that few classes can pick up the pieces of a debate the following day with anything approaching the intensity, interest, or thoughtfulness of the first day's discussion.

The representation by state or population issue is particularly appropriate for the first day of the convention because it raises two critical questions: (1) whether the Founders should break with their instructions to merely amend the Articles or to chart an untried course and write an entirely new constitution and (2) whether the Constitution should be based on the equality of artificial entities called states or on the equality (or equal rights) of people. At the real convention, agreement depended on a compromise between the interests of large and small states. In the excerpts here provided, Luther Martin made the small state argument (almost anticipating Calhoun and nullification doctrine), saying that the states had agreed as co-equal entities to form a government – the basis of which could not be changed except with their agreement. Rufus King responded to this by, in effect, saying the states had no legal basis except as part of the Confederacy and therefore had to accept whatever the convention decided. The convention debate covers the predictable "New Jersey Plan" presented by Brearley and Paterson. Madison and Wilson argued eloquently for the "Virginia Plan" (though the name is not used), and Franklin and Sherman presented an argument for what became the "Connecticut Compromise."

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain the arguments of the small and large states on the representation issue.

2. Represent their delegates' views on the issue.

3. Evaluate and decide upon an answer to the representation issue.

Time Required: 1 class period

Materials: Copies of student Chapter 6 for all students, extra Deal Sheets

Procedure:

1. Follow the procedure outlined in Chapter 5. If you wish to check student understanding of key concepts presented in the lesson, you can discuss question 1 in "Chapter Questions." Possible definitions/explanations are:

- what large and small states thought of equality of suffrage (each state having the same number of votes) – not surprisingly, devotion to this principle was completely in inverse proportion to the population of one's state. Thus, Virginia originally opposed that plan, and New Jersey and Delaware argued vehemently in support.
- "explicit orders from Delaware" – Read alluded to a real problem: the people from the smaller states would be unlikely to approve of a change in the method of representation that would drastically reduce their voice in the government.
- "change with the creation of a national government" – Madison realized that the new government would act directly on people and not on the states. Therefore, a new basis for representation was needed – one that recognized the equality of people, rather than of states.
- "phantoms" – King derisively referred to the states in this manner.
- "ruin smaller states" – Paterson looked at this issue purely from the effects proportional representation would have on smaller states. It would reduce their say in the government and enable four states to have more representatives in Congress than the other nine combined.
- "footing of equality" – Martin argued that the states entered the Confederacy as equal states, remained equal, and had a right to equal representation.
- "hope for Confederacy" – Wilson alluded to the fact that the Confederacy was on the verge of collapse and that radical changes were needed to survive.
- "believe in equality" – Wilson put the issue to the small states: people and not states are equal (the one man, one vote principle enshrined in Baker v Carr, 1962).
- "planks do not fit" – Franklin's homespun metaphor for a compromise proposed by Sherman.
- two houses or branches – Sherman's proposal was the basis of our present House and Senate – the former based on population, the latter based on equal states.

2. After students state the issue as they see it, allow Brearley, Paterson, and Read to present the small states' plan, alternating with Madison, Morris, Wilson, and King for the large states. Note the main issues to cover stated in the student introduction to this chapter. Be sure the small and large states present and defend their arguments before Sherman and Franklin urge delegates to what historians have called the Great or Connecticut Compromise, which resulted in a House of Representatives based on proportional representation and a Senate in which each state has two votes.

Preparation for Chapter 7:

Inform students that the next issue is of extreme importance: they must decide how power should be divided between the national and state governments. Nationalists will argue that the central government must be able to control the states, while opponents will say that granting more power to the national government would result in tyranny similar to that experienced under British rule. Have students read Chapter 7 and prepare their arguments and speeches.

CHAPTER 7: THE CONVENTION/LOCAL CONTROL VS. NATIONAL AUTHORITY

Overview:

The issue of granting more power to the national government at the expense of the states was the single most important topic that brought the Founders to Philadelphia. The debates on this question have continued to the present day. Perhaps the most interesting argument before the convention on this question was Hamilton's proposal to abolish the states altogether, except as administrative lines of authority from the president to the governors of these depleted entities. Madison and Wilson, though not nearly as extreme as Hamilton, suggested that the states should clearly be subservient to the national government. Wilson argued that we are no less free as a citizen of the United States than as a citizen of our own state. Madison cited the British system as an example for the United States to follow. On the other side, Luther Martin argued against Hamilton's proposal, advancing the belief that the national government's purpose is to protect and not to swallow the states. Other speeches on this issue sought a fine-tuned formula to make the national government sufficiently strong to deal with national concerns, but not so strong as to destroy the states.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain the arguments in support of local control and those in support of national authority.

2. Represent their delegates' views on the issue.

3. Evaluate and decide upon an answer to the local control vs. national authority issue.

Time Required: 1 class period

Materials: Copies of student Chapter 7 for all students, extra Deal Sheets

Procedure:

1. Follow the procedure outlined in Chapter 5. If you wish to check student understanding of key concepts presented in the lesson, you can discuss question 1 in "Chapter Questions." Possible definitions/explanations are:

- general agreement – the general agreement among the delegates was to give Congress the power to collect taxes, stop states from issuing money, regulate trade, impose tariffs, enforce treaties, and raise an army. The discussions at the convention concerned allowing the national government to veto state laws and reducing the states to mere provinces.
- erasing boundaries – men like Hamilton and Wilson suggested the convention might go to the extreme of destroying the state governments.
- "two equal sovereigns" – idea that two governments cannot administer the same territory led him to propose eliminating the states, except as provinces for administrative purposes.
- "silly fondness for democracies" – Hamilton states his aristocratic views; he considered the people unfit to govern.
- "no more or less free" – Wilson's idea that one is no less free for being under the rule of a central government than under a state government.
- "to protect states" – Martin's statement that the general government existed to support the states; classic Anti-Federalist thinking.
- "Georgia be a judge of the wisdom" – Lansing's warning was a common-sense states' rights argument: Why give the power to make laws in your state to people living four weeks away by the fastest transportation of the time?

- veto laws of states – this was the big issue to be resolved: whether the national government should be permitted to veto laws made by individual states.
- British system – Madison argued for the American equivalent of the Crown's right to stifle "in the birth every act of every part tending to disrupt the whole."
- state courts – Sherman held that state courts would uphold national laws. His solution was a way to avoid giving the national government the power to veto state laws.
- "sacrifice without...destroying" – Pierce was looking for a middle ground between Madison and Martin.
- "won at the cost of enslaving" – this phrase was part of Martin's vehement attack on the motives of the Founders; he claimed they wanted to enrich themselves and enslave the people.

2. After students have stated the issue, made their speeches, and defended their positions, try to fan the discussion to the point where many more students wish to speak than can be accommodated. Encourage students to leave their seats and talk directly to the delegates they wish to influence. Luther Martin's ideas are the key to this discussion because he expressed the Anti-Federalist thought of his day: strong local government was equated with direct democracy. Give the student playing Martin encouragement to speak out during the discussion.

One way of reaching a compromise while further stimulating creative thinking is to challenge some delegates during caucusing to draw up a list of powers to grant the national government and a list to grant the states. Advocates of this centrist (neither nationalist nor state) position may pick up support while caucusing, discussing, and speechmaking. Their proposal should be considered, as well as the two propositions at the end of the chapter: one allowing the national government to veto state laws violating the Constitution (note that the Supreme Court has this power today), the other giving the legislature power only in cases that clearly concern "the common interests of the Union." In any event, the issue raised in this chapter generally stirs much debate among students on a topic that is still being argued, 200 years after the convention.

Preparation for Chapter 8:

Inform students that the next issue is also very important: they must decide how much democracy is good for the country. The aristocrats express doubts about the people's ability to make good decisions; opponents express their faith in the people, as well as their belief that the rich don't want any but themselves to have a voice in the government. Have students read Chapter 8 and prepare their arguments and speeches.

CHAPTER 8: THE CONVENTION/MAJORITY RULE VS. CHECKS AND BALANCES

Overview:

It is well known that the Founders distrusted the people's ability to make wise and just decisions and that they believed one important job of the convention was to enable the government to control the governed. The fear of majority rule was quite pronounced among the most influential members of the convention, including James Madison, often referred to as the "philosopher of the Constitution"; Alexander Hamilton, one of its staunchest defenders; and Gouverneur Morris, author of its final draft. Yet the Founders also recognized the people they distrusted as the only legitimate source of political power.

The inconsistency of these two beliefs is apparent in Morris' two addresses to the convention. In one he advocated direct election of the president; in the other he opposed giving votes to people having no property, because "they will sell them to the rich." Likewise, Roger Sherman spoke eloquently for the people for whom "that government is instituted," but later said these same people "should have as little to do as may be about the government." On the other hand, Franklin and Wilson spoke on behalf of the people, and Gorham, Ellsworth, and Langdon were mildly in agreement.

Specifics separating the aristocrats like Hamilton and the democrats like Franklin were the issues of property requirements for the vote, length of term in office, and controls of the president through impeachment (as opposed to control by the president through a veto). The democrats of those days opposed property requirements, favored short terms of office (allowing popular control), and favored the power to impeach and convict the president, who would not be given the power to veto laws. The conservatives wished to restrict the vote to freeholders, increase the length of term in office (thus insulating public officials from popular support), deny the right of impeachment, and allow the presidential veto.

A list of options from which students may choose positions on the issues just discussed is provided at the end of this chapter. These options are arranged with the most liberal (in modern terms) or Anti-Federalist as option a, and the most conservative as option c.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain the arguments in support of the democratic and conservative or aristocratic views.

2. Represent their delegates' views on related issues.

3. Evaluate and decide upon answers to the issues of requirements for the vote, length of term in office, and presidential impeachment and veto.

Time Required: 1 class period

Materials: Copies of student Chapter 8 for all students, extra Deal Sheets

Procedure:

1. Follow the procedure outlined in Chapter 5. If you wish to check student understanding of key concepts presented in the lesson, you can discuss question 1 in "Chapter Questions." Possible definitions/explanations are:

   - problem faced by Founders – the Founders did not trust the people to make the correct decisions but had to base the government on them. The solution was to have a system of checks and balances that would dilute the people's impulses for shortsighted, "factional" legislation.

- purpose of the Senate – seen as twofold: to protect the people from their rulers and themselves.
- "secretly sigh for more equal..." – a restatement of Madison's fear that the majority would (as in Shays' Rebellion) "divide riches among themselves," leading to a need for checks and balances.
- why the British system was seen as good – because, Hamilton believed, it had a House of Lords that checked the democratic Commons, and a democratic Commons that checked the aristocratic Lords.
- independent executive – Madison argued that each branch of government should be independent of the others; therefore, the president should not be appointed by the legislative branch.
- New York and Connecticut – cited here by Morris as examples of non-freeholders successfully voting for "the right people."
- size of the country – one problem the Founders faced was establishing a democratic government in such a large country.
- freeholders – those who owned property, free and clear of mortgages, encumbrances, etc. The accepted wisdom of the time was those who had a "stake in society" would be far less willing to go for "evil schemes," such as printing paper money or legislating "an even division of property."
- sell votes – here Morris in a sense rebutted his other comment on the success of elections in New York and Connecticut. Those without a "stake in society" do not value their vote and are likely to elect rogues and demagogues.
- honesty of common people – Franklin trusted the American people not to sell their votes or fall for evil schemes.
- "evils that we experience" – Gerry feared the people could not be trusted; he believed they were responsible for problems faced at the convention.

2. After stating the issue, move to speeches and discussion. The debates in class would best be focused on the question of the common man's ability to make good decisions. The alternative is that others, more educated, wise, and knowledgeable, are significantly more trustworthy and should be given a greater say in selecting the nation's leaders. Students arguing the aristocratic side of the issue can refer to speeches by Madison, Sherman, Hamilton, Pinckney, Gerry, and Dickinson. Opposing views are presented by Wilson, Ellsworth, and Franklin. The Anti-Federalists' position at the mock convention could be strengthened if Martin were to read his speech on a bill of rights, reproduced in the next chapter, or parts of the speech he gave in the second chapter. The student playing Martin should be informed and asked to speak on this issue.

The discussion will be more interesting if students are encouraged to find examples of the people's wisdom (or lack of it) from their study of the American Revolution and observations of contemporary politicians. The actual debate on this issue is usually very spirited; a good deal of caucusing is advisable. Teachers should note that proposition 1a (giving 18-year-olds and women the vote) was not a viable option in 1787. It was added to raise the issue whether ideas may be taken out of their historic context and subjected to 20th-century standards.

Preparation for Chapter 9:

Inform students that the next issue is important because it challenges them to decide whether the country needed a bill of rights. The aristocrats said none was needed, while their opponents saw it as essential. Have students read Chapter 9 and prepare their arguments and speeches.

CHAPTER 9: THE CONVENTION/THE BILL OF RIGHTS

Overview:

At the convention in Philadelphia, the Founders spent little time thinking about a bill of rights. When they finally got around to it, they quickly concluded that (1) the enumeration of some rights would lead to the assumption that others, not listed, were denied; (2) that a bill of rights was not needed in a country where the people, and not a king, rule; (3) that the rights themselves are too difficult to define to make such a bill useful; (4) that since the Constitution did not grant the national government the power to deprive the people of specific rights, no bill was needed; and (5) that a bill of rights could be dangerous because it would assume that the government had power in the areas the bill was protecting. In the excerpts provided here, only George Mason of Virginia, the author of his state's bill of rights, argued strenuously to the contrary, with a little help from Elbridge Gerry, and a diatribe from Luther Martin.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain the arguments for and against including a bill of rights in the Constitution.

2. Represent their delegates' views on the issue.

3. Evaluate and decide upon an answer to the issue.

Time Required: 1 class period

Materials: Copies of student Chapter 9 for all students, extra Deal Sheets

Procedure:

Follow the procedure outlined in Chapter 5. If you wish to check student understanding of key concepts presented in the lesson, you can discuss question 1 in "Chapter Questions." Possible definitions/explanations are:

- no power to take rights away—this assumption was true of the Articles of Confederation. The Confederacy did not have enough power to deprive people of their rights.
- not seriously considered until the end of the convention—the fact that the Founders did not consider a bill of rights until near the end of the convention might lead to the conclusion that as a group they were not much concerned about protecting the people's rights. Rights, however, were seriously considered in the ratifying conventions, which is the main reason the Bill of Rights was drawn up by the first Congress.
- "trust the representatives"—Nathaniel Gorham was not alone in making this kind of an argument. It was assumed by many that only kings, or governments not elected by the people, would take away the rights of citizens.
- "in a few hours"—George Mason claimed it would not take long to draft a bill of rights because there were examples in many state constitutions. Mason himself had written Virginia's bill of rights.
- State Declarations of Rights—Roger Sherman argued that state bills of rights protected citizens from their federal government.
- "impractical"—James Wilson claimed that the listing of some rights and not others would create the impression that whatever was not listed, was not protected. Amendment IX in our present Constitution responds to that argument.

- "general clause at the end of the listing of powers"—Mason referred here to provisions in the Constitution that seemed to give the national government supreme power over the states and the people.
- "liberty of the press"—Hamilton argued that it was too hard to define the exact meaning of these words; therefore one should not try.
- public opinion as a means of protecting rights—Hamilton argued that the real meaning of rights existed only if subscribed to by the public.
- "building an empire"—Martin, once again charged the convention with attempting to enslave the common man and put itself "on the top of the heap."

2. The arguments made against having a bill of rights in the Constitution certainly have not stood the test of time; in fact, they were all but discredited at the ratifying conventions. Nevertheless, it seems valuable to have students make these arguments in their roles at the convention and let the opposition overwhelm Hamilton, Wilson, Sherman, and Gorham.

Teachers are advised to begin the discussion of the Bill of Rights by first calling for a statement of the issue, then allowing speeches followed by discussions, caucusing, more speechmaking or discussions, and voting. The classroom Alexander Hamilton and James Wilson should be fully prepared to substantiate their provocative statements at the convention. During the discussions, teachers may wish to play devil's advocate by pretending to agree with their arguments against the Bill of Rights. Caucusing should start when students get thoroughly incensed by these arguments and won't be prevented from talking out of turn. If the convention decides early on in favor of a bill of rights, students should be challenged to draw one up. In writing their own bills, they should be made aware of the arguments that these rights, in the minds of their opponents, are dangercus, impractical, unnecessary, and impossible! Or, they could be asked to examine issues connected with current discourse over rights, such as abortion, the death penalty, handgun laws, ERA, student rights in the classroom, searches of lockers, and censorship of school newspapers. It might be pointed out to students that the arguments used against a bill of rights in 1787 could be used to justify searching student lockers, censoring student newspapers, and restricting what can be said in class discussions.

Preparation for Chapter10:

Inform students of the importance of the next issue: deciding what to do about slavery. Most Southerners argued that slavery strengthened the union while opponents charged it violated the principles on which the country was founded. Have students read Chapter 10 and prepare their arguments and speeches.

CHAPTER 10: THE CONVENTION/SLAVERY AND THE SLAVE TRADE

Overview:

The most divisive debate in the 1787 convention was over granting Congress the power to end the slave trade (abolishing slavery itself was not seriously considered). The upshot of this and other discussions related to slavery postponed the decision to end the slave trade for 20 years, gave Southerners the right to extradite fugitive slaves, counted each slave as three-fifths of a person for the purposes of representation and taxation, and did not give Congress the power to end slavery. The excerpts provided here present a full range of statements, including two powerful speeches opposed to slavery given by slave owners. Mason, with his evaluation of slavery as discouraging the arts and manufacturing, degrading labor, corrupting slave masters, and courting a national disaster, made the most powerful statement on this issue, if not on any issue at the convention. Pinckney's and Rutledge's speeches telling the convention that religion and humanity have nothing to do with slavery—that only interest guides the nation—made compelling cases for an ignoble cause. The convention was carried by a combination of a threat, real and implied, by North Carolina, South Carolina and Georgia; sentiment in the North against "rocking the boat"; and the argument that slavery is a local problem, which, if left alone, will gradually die out on its own.

This debate can be explosive, and it is best to add a word of caution here. Some ground rules must be established to prevent difficulties. For instance, students should understand there will be no derogatory language, nothing could be said that would make other students uncomfortable, and Southern delegates must be allowed to make pro-slave arguments without being accused of being racist.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain the arguments for and against giving Congress the power to end the slave trade.
2. Represent their delegates' views on related issues facing the convention.
3. Evaluate and decide upon an answer to the slavery issue.

Time Required: 1 class period

Materials: Copies of student Chapter 10 for all students, extra Deal Sheets

Procedure:

1. Follow the procedure outlined in Chapter 5. If you wish to check student understanding of the key concepts presented in the lesson, you can discuss question 1 in "Chapter Questions." Possible definitions/explanations are:

- 3/4 million—the estimated number of slaves in the United States in 1787; almost one of every five Americans was a slave.
- rice swamps—because of the high slave death rate (admitted by Southern planters) in the swamplands, Georgia and South Carolina would not surrender their right to continue importing slaves.
- danger of insurrections—Martin claimed that slavery weakened the country because of the danger of insurrections. King later brought up the same argument.
- "principles of the American Revolution"—Martin argued that slavery was against the principles on which this country was founded.
- "increase the danger"—King brought up the argument that the North would have to protect the South because of increased danger as a result of continuing importation. This argument

could hardly have been convincing to Southerners. In fact, Rutledge had already excused the North from any obligation to protect the South from slave insurrections.

- "local in nature"—Georgia delegate Abraham Baldwin's argument was that slavery is a Southern problem and the rest of the nation should not concern itself about it. Note also that Baldwin uses a very thinly disguised racist argument by equating the anti-slave people in his state with those who believe in the equality of all of the species.
- disadvantages of slavery—Mason tells some powerful truths regarding the effects of slavery—discouraging manufacture, lowering wages, impeding immigration, and corrupting masters and overseers.
- New England's "lust for gain"—Mason claimed that New England, whose merchants imported slaves, was also corrupted by slavery. He predicted the consequences of continued importation as "national disaster."
- "effects of slavery on character"—Ellsworth scored a point in his debate with Mason, who owned 300 slaves. Ellsworth did not own any and therefore could claim not to know the effects of slavery on character. But Mason was willing to stop further importation, while Ellsworth predicted that slavery would end by itself.
- South Carolina and Georgia—Ellsworth was willing to continue importing slaves to the rice swamps in these states. Furthermore, he said the government should not "intermeddle"; poor laborers would eventually take the place of slaves. Pinckney, the next speaker, claimed that Georgia and South Carolina could not "do" without new slaves and would not join the Union if the slave trade were abolished.
- "more produce to employ..."—Pinckney makes the economic argument again; he tells the North that the whole country's self-interest is to continue the slave trade.
- "increase national happiness"—using this standard, Dickinson suggests that the question of importing slaves is a national and not a local issue as the advocates of slavery would have had us believe.

2. Begin with stating the issue, speeches, and discussion. The arguments advanced on both sides of the slavery debate usually strike a real interest in students, evoking the high ethical principles of many young people on one hand and the very self-serving, ego-oriented arguments that are reflected in others. The debate, more than almost any other issue, focuses on the wide gap between America's ideals and America's behavior. It also raises for all of us, adolescents and adults alike, the issue of when one has to compromise and when one stands up for his/her principles.

In many classes, the high point on this issue comes when the delegates from Georgia, South Carolina, and North Carolina walk out of the convention (they may need a little prodding from the teacher to actually do it). After they are gone, the rest of the class must deal with one of the many unpleasant realities of the issue. Taking a stand against the slave trade may not really succeed in stopping it. This ethical dilemma is not easily resolved.

It may increase the impact of this lesson to tell students at the end that a full 50 percent of the slaves brought to this country came in the 20 years after the convention and before the trade was officially halted in 1808. Whatever chance there might have been for slavery ending peacefully before the 20th century was lost in those 20 years. Mason was the oracle, but his countrymen did not hear, understand, or heed him.

Preparation for Chapter 11:

Inform students that they will be examining the Constitution itself in the next chapter. If you wish to have them do advance preparation, you may distribute student Chapter 11 and have them read the introductory material. It is probably not advisable to assign reading the Constitution as homework.

CHAPTER 11: THE CONSTITUTION

Overview:

Special care is taken in this chapter to organize the review of the Constitution so that students can examine the real-life resolution of the issues discussed at the mock convention. Students are told that the longevity of the Constitution lies in its flexibility, which has enabled it to function as a democratic framework for 200 years with relatively few amendments. Students are reminded that it is a relatively short document. The document itself is reproduced in the student chapter. Each page of the Constitution is accompanied by explanations of the provisions, enabling students to read the document without dictionary or teacher by their sides.

Encompassed in the lesson are five exercises. The first focuses on the division of power between large and small states. The second looks at division of power between national and state governments. The third covers the system of checks and balances and the election process. The fourth exercise examines resolution of the democracy issue, while the final exercise discusses the lack of a Bill of Rights and the solution of the questions regarding slavery.

Each exercise states the question that was resolved at the convention, summarizes the background information students need to know in order to address the question, and provides students with the article and section in which the answers may be found.

Objectives: At the conclusion of this lesson, students should be able to:

1. Describe the basic organization of the Constitution.

2. Explain how the five issues discussed at the mock convention were resolved by the real delegates.

3. Give well-supported reasons for agreeing or disagreeing with at least three of the solutions reached by the real delegates.

4. Explain why the Founders' solutions differed from theirs.

Time Required: 3-4 class periods

Materials Needed: Copies of student Chapter 11 for all students, copies of Handouts 11-1, 11-2, 11-3, 11-4, and 11-5 for all students.

Procedure:

1. Introduce your students to the Constitution by reading the introduction to the student chapter aloud with the class. Go over the simple, logical organization of the document with students. Ask students to read the Preamble. Discuss the purpose of the Preamble and how its interpretation has changed over time.

2. Allow time for students to read the Constitution, along with the accompanying explanations. Briefly point out the three "Chapter Questions," without evoking much discussion.

3. Distribute Handout 11-1. Review with students their discussions on the issue of representation, which pitted the small states against the large. Tell them that by answering the questions on this handout, they will find out how the Founders resolved the representation issue. Allow time for students to complete the worksheet. (The questions on current political leaders may need to be completed as homework.) Discuss students' answers on the worksheets with the class, focusing on whether students think the resolution to the representation issue was a good one.

4. Distribute Handout 11-2 or use it as a basis for discussing the issue of local control vs. national authority. Note that nationalist sentiment at the convention was so strong that Hamilton was emboldened to talk of reducing the states to mere administrative entities and states' rights advocates like Martin feared a national empire in which the nationalists would rule all of the states.

5. Inform students that the parts of the Constitution that touched on the resolution of this issue included the Preamble; Article I, section 8, clauses 1-18; Article I, section 9; Article I, section 10; Article IV; and Article VI, section 2. Inform them that some of these sections provided an outright grant of power, some specifically denied a power, and some implied a power. Explain the difference between enumerated (specifically stated) and implied (suggested) powers. Go over each of these sections, asking students whether it denied, granted, or implied a power to the states or the national government. Be sure students understand such terms as *habeas corpus*, bill of attainder, and *ex post facto*.

6. Have students write at least six important new powers the Constitution gave Congress. These include the power to collect taxes and duties, regulate trade, establish federal courts, call the state militia for the purpose of putting down rebellions, and deny states the power to coin money. Ask students what powers were actually given the states in the Constitution (none).

7. Review implied powers, going over the Preamble and the supremacy clause in Article VI. Spend time showing students how the "elastic clause" (Article I, section 8, clause 18) can be "stretched" with a broad interpretation of the words "necessary and proper."

8. Ask students whether they think the solution to the issue of national power vs. states rights was a good one. Ask students who played the parts of such staunch nationalists as Hamilton, Madison, Wilson, and King what they or their delegates would think of the solution. Ask students who played Martin, Mason, and Lansing what they or their delegates would think.

9. You may wish to point to major changes in the Constitution that have affected the balance between the state and federal governments. For example, Amendment X gave the states all powers not given to the national government or specifically denied the states. These residual powers are briefly discussed in Handout 11-2. The Bill of Rights, of course, deprived the federal government of numerous powers, which are discussed more fully when students examine the resolution of that issue. Passage of Amendment XIV in 1868 again greatly altered the balance of power between the national and state governments. This amendment prohibited states from depriving their citizens of "equal protection under the law." This phrase has been interpreted so that it now applies the Bill of Rights to the states.

10. Remind students of the Founders' fear of factions, including a majority faction. Distribute Handout 11-3. Tell students that by answering the questions on this worksheet, they will see how the Constitution provides for controls on the power of one person or one group of people. While the list of checks and balances specifically stated in the Constitution is relatively short (note that the Constitution did not say that the Supreme Court had the power to find acts of Congress unconstitutional; this was declared by the court in *Marbury v. Madison*, 1803), giving the branches different functions and responsibilities also provided controls. Because officials in the different branches are selected in different ways for different terms, no faction could gain control of the government through any single election.

11. Put the chart from Handout 11-4 on the chalkboard and ask students to provide the information for the length of terms, years of service, and election or appointment procedure. Students can find this information in Article II, section 1; Article I, section 2; Article I, section 3; and Article II, section 2. Depending on your class's abilities, you may provide the list of choices on the handout or let the students generate the answers themselves.

12. Distribute the handout. Have students fill in their individual charts and answer the remaining questions. In reviewing answers to question 2, note that the original Constitution said nothing about who was allowed to vote. Establishing requirements for voting was left to the states, which in fact had varying requirements. Some allowed black males to vote. For a short time, women could vote in New Jersey. All states had a property or religious qualification for the vote.

13. Ask students if they think the Founders put too many checks on majority rule. Ask students what checks they think were unnecessary even in those days and whether they would have voted for the Constitution with so many checks in it.

14. After the discussion above, point out that black males (in theory if not in fact) were granted the right to vote by Amendment XV, women by Amendment XIX, and those 18 or older by Amendment XXVI. Also point out that Senators are elected directly by the people as a result of Amendment XVII. Note that it still is possible for a presidential candidate to get a majority of the popular vote but lose the electoral vote. This has happened in two elections—1876 (in which Hayes defeated Tilden) and 1888 (in which Harrison defeated Cleveland). Ask students what, if anything, should be done to prevent this from happening again. (Most logical answer would be to count the popular vote only, which would require a constitutional amendment.)

15. Have students look at Article I, sections 9 and 10, to see what rights were included in the original Constitution. Do students think these are adequate protections? Why or why not?

16. Distribute Handout 11-5 and have students complete the questions related to the Bill of Rights. In discussing student answers, try to elicit a complete listing of the rights protected in the first eight amendments. Discuss the meanings and reasons for specific rights.

17. Ask students whether they think the Bill of Rights should extend to schools on such issues as locker searches and administration censorship of student newspapers. Have students relate their arguments on these issues to statements made by Hamilton and others at the convention.

18. Ask students if they would have voted for the Constitution without a Bill of Rights. Point out that not ratifying the Constitution would have kept the country under the discredited government of the Articles of Confederation for at least a few more years.

19. Tell students that some of the most controversial decisions reached at the convention concerned slavery. Ask the students who played Rutledge, Baldwin, Ellsworth, Pinckney, and Sherman to review their arguments against abolishing the slave trade. Ask these students if they agree with any of the arguments given by their delegates. Enlarge the discussion to include a general evaluation of the decisions made at the convention.

20. Have students complete the sections of Handout 11-5 that deal with slavery. Answers to question 4 are Article I, section 2—slaves were to be counted as 3/5ths of a person for the purpose of assessing taxation and representation; Article I, section 8, contains nothing giving Congress the power to end slavery; Article I, section 9, prohibited Congress from ending the slave trade before 1808; and Article IV, section 2, provided for the return of fugitive slaves.

21. Give students ample time to discuss the opinion question. During the discussion, ask if it is fair to judge one generation by the standards of subsequent generations and if the Founders could have prohibited the slave trade without jeopardizing ratification of the Constitution.

Preparation for Chapter 12:

Ask students to read Chapter 12. Each student should prepare a statement on whether he/she would have voted for or against ratification based on what was learned in Chapters 11 and 12.

BALANCING THE INTERESTS OF THE LARGE AND SMALL STATES

The large and small states at the convention disagreed over the issue of representation in the national government. The large states wanted representation based on population; the small states wanted each state to have the same number of votes.

1. Roger Sherman proposed a compromise that served as the basis for the plan written into the Constitution. Read Article I, sections 1, 2, and 3. How was this issue resolved?

_____

_____

2. The Founders provided for election of the president by the electoral college. Read Article I, section 1. How was the electoral college chosen? How many electors would each state have?

_____

_____

3. Reread Article II, section 1. Tell how many representatives, senators, and electors each of the 13 states had in the first national election.

State	House	Senate	Electors
N.H.	_____	_____	_____
Mass.	_____	_____	_____
R.I.	_____	_____	_____
Conn.	_____	_____	_____
N.Y.	_____	_____	_____
N.J.	_____	_____	_____
Penn.	_____	_____	_____
Del.	_____	_____	_____
Md.	_____	_____	_____
Va.	_____	_____	_____
N.C.	_____	_____	_____
S.C.	_____	_____	_____
Ga.	_____	_____	_____

4. Today there is one representative for every 500,000 people. How many representatives does your state have? _____
Who is your representative? _____
Who are your senators? _____ _____

DIVIDING POWER BETWEEN NATIONAL AND STATE GOVERNMENTS

One of the most important questions discussed at the convention was power – how should power be divided between the states and the national government. Alexander Hamilton and others believed the states should be abolished and there should be "one government for all the people of the country." Luther Martin and others thought that the only reason for having a national government was "to defend the states." They did not want to increase the powers of the national government. A compromise between these views had to be worked out – and was. Some powers were given to the national government; some remained with the states; some were given to both.

Article I, section 8, clauses 1-17, grants certain listed or enumerated powers to the national government. Other powers are given in the amendments. Article I, section 9, denies certain powers to the national government. Article I, section 10, denies certain powers to the state governments. The Preamble, Article VI, and Article I, section 8, clause 18 imply that the national government has certain other powers. These powers are not stated directly but can be implied by the way the Constitution is written.

1. List six **enumerated** powers of the national government. List only powers that you consider important and that were not included in the Articles of Confederation.

   _____ _____

   _____ _____

   _____ _____

2. Use the Preamble, Article VI, and especially Article I, section 8, clause 18 to make an argument that the national government has the following implied powers:

   A. draft soldiers

   B. withhold taxes from income

   C. establish a minimum wage law

   _____

   _____

   _____

Residual or reserved powers are powers that remain with the states. The Constitution did not say anything about the residual powers, but critics forced the adoption of Amendment X. This says that powers not denied the states or granted the national government reside with the states. The residual powers include the power over health, morals, and safety of the people. They include the power to make laws concerning marriage, schools, foods, traffic, etc. This is a wide range of powers, including everything from dog licenses to compulsory school age.

National and state powers sometimes conflict. For example, a state or city may ban a parade protesting a right guaranteed by the national government, such as attending an integrated school. The protection of the citizens in a state is a local matter (a residual power), but the rights of citizens (thanks to Amendment 14) are a national matter.

Concurrent powers are those exercised by both national and state governments. The right to tax citizens is a right that both the national and the state governments have.

3. Place the powers from the following list in the proper columns in the chart below.

coin money	make laws on marriage	decide on voting age
post speed limits	declare war	tax people
borrow money	censor books	establish grounds for divorce
outlaw use of drugs	determine school age	establish banks
put down rebellions	train the militia	raise an army

Powers of the National Government (enumerated and implied)	Powers of both the National and State Governments (concurrent powers)	Powers of the State Government (residual or reserved powers)

CHECKS AND BALANCES

1. The Constitution created three separate branches of government. What is the function of each?

   Legislative branch _____ laws.

   Executive branch _____ laws.

   Judicial branch _____ laws.

   Possible answers:

   enforces makes interprets

2. Because the delegates feared that one person or one group of people might get too powerful, they built a system of controls into the Constitution. Under this system, every branch can check, or control, the other branches. Carefully read Articles I, II, and III to learn how each branch of government can check the others.

   Legislative checks executive by:

   Article I, section 3

   _____

   _____

   Article I, section 7

   _____

   _____

   Article II, section 2

   _____

   _____

   Executive checks legislative by:

   Article I, section 7

   _____

   _____

   Executive and legislative check judicial by:

   Article II, section 3

   _____

   _____

3. One criticism of the Constitution is that it gave the president too much power. What powers did it give the president? (See Article II, sections 2 and 3.)

   _____

   _____

Do you think this is too much power? Explain your answer.

_____

_____

4. Another way the Founders provided controls was having officials in each branch elected or appointed differently. Describe how each of the following were to be selected. This time, you are on your own to learn where in the Constitution you can find the information.

President and Vice President _____

_____

Senators _____

_____

Members of House of Representatives _____

_____

Supreme Court Justices _____

_____

DEMOCRACY AND CHECKS AND BALANCES

During the debates at the convention, Roger Sherman said that "the people should have as little to do as may be about the government." Benjamin Franklin disagreed. "We should not underestimate the honesty and public spirit of our common people," he said. Just how much the common people could be trusted to govern themselves was an important issue at the convention.

1. Some critics of the Constitution claim that the common people were given too little to say about the government that was to rule them. Below is a chart of offices. Complete this chart using words or phrases from the "Choices" list. Then try to decide whether the Constitution gave the people as much to say about the government as it should.

Office	Length of term	Number of years could serve	Elected or appointed by:
President			
Representative			
Senator			
Supreme Court Justice			
Elector			
State Legislator			

Choices

4 years	Life	President and Senate
6 years	unlimited	electors
life	2 years	state legislators
1 day	6 years	voters
doesn't say	doesn't say	people
2 years		doesn't say

2. According to the Constitution, who was allowed to vote?

_____

3. Whose views – Sherman's or Franklin's – were best represented in the Constitution?

_____

4. Do you think the voters should have had a more direct say in the elections of presidents and senators? Explain your answer.

_____

_____

RIGHTS AND SLAVERY

1. Many of the delegates at the convention did not believe a bill of rights was necessary. Some believed it was. Had a bill of rights been included in the Constitution, it might have gone in Article I, section 9, under powers denied the federal government. Some rights were included in this section. List two rights found there.

   _____ _____

2. Many people were upset that the Constitution did not contain a bill of rights. They demanded that one be added to the Constitution. Today, the first ten amendments to the Constitution are called the Bill of Rights. List ten rights that we now have that were not included in the original Constitution. No more than two should be from the same amendment.

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

   _____

3. Some people were so upset by the lack of a Bill of Rights that they said they would not ratify the Constitution unless one was added. Would you have voted for the Constitution if no Bill of Rights could be added? Why or why not?

   _____

   _____

   _____

The question of slavery so divided the delegates that several threatened to leave the convention. When the country split up 74 years later, slavery was a major issue. Four major questions concerning slavery faced the delegates:

- Should Congress have the power to end slavery?
- Should Congress have the power to end the slave trade?
- Should free states be forced to return fugitive slaves (slaves who escaped)?
- In deciding how many representatives each state had, should slaves be counted along with free population?

4. Check the following Articles and Sections in the Constitution to learn how each of these issues was resolved.

   Article I, section 2 _____

   Article I, section 8 _____

   Article I, section 9 _____

   Article IV, section 2 _____

5. What conclusions about the motives of the Founders can you draw based on their solutions to the problems of slavery and the slave trade? State reasons to support your answer.

   _____

   _____

   _____

   _____

CHAPTER 12: THE DEBATE OVER RATIFYING THE CONSTITUTION

Overview:

The Constitution was to replace the Articles of Confederation if the people's representatives in nine of the thirteen states approved of (ratified) it. The question was whether nine states would indeed ratify the Constitution. The answer was decided in separate battles in each of the thirteen states. This chapter looks at the arguments in favor of the Constitution, as well as those against it. It also examines how the ratification struggle was fought in both the small and large states.

Objectives: At the conclusion of this lesson, students should be able to:

1. Describe how ratification was achieved in the large states, where there was substantial opposition.

2. Explain the arguments of the Federalists and Anti-Federalists.

3. Take and support a position on which side had the better argument.

Time Required: 1-2 class periods

Materials: Copies of student Chapter 12 for all students

Procedure:

1. Ask students to list the arguments for and against ratification that they learned by reading Chapter 8. Go over the terms listed in question 1 under "Chapter Questions." Possible definitions/explanations are:

- the four big states – New York, Pennsylvania, Virginia, and Massachusetts; they were important in the ratification struggle because their approval was needed and significant opposition to the Constitution existed in each.
- Federalists and Anti-Federalists – Federalists were those supporting ratification; Anti-Federalists opposed ratification.
- "short memories" – the Anti-Federalists argued that those who wanted the new Constitution had forgotten the successes under the Articles of Confederation – especially the defeat of Great Britain in the Revolution.
- secrecy – the Anti-Federalists were concerned about the fact that the Constitution was written at a secret convention; they believed this reflected the Founders' desire to further their own personal ambitions.
- examples of the Confederacy's lack of power – the Federalists argued that the Constitution was needed because the national government did not have enough power under the Articles. The inability to raise armies and collect taxes was emphasized.
- three branches of government – the Federalists argued that creation of three branches of government would prevent dictatorships, an eventuality feared by the Anti-Federalists.
- freedom of the press – the Anti-Federalists argued that freedom of the press should be guaranteed by the Constitution; the Federalists argued that such a guarantee was not needed because the Constitution did not take away the right; this, they said, was comparable to the state constitutions that the Anti-Federalists believed were superior.

2. Give students 10 to 15 minutes to draft outlines or speeches supporting or opposing ratification. Students should continue to represent the views of their delegates.

3. Divide the class into groups of approximately six students each, with three Federalists and three Anti-Federalists in each group. Within each group, one member of each camp should present his/her speech. The remaining students should respond, using the arguments they noted in preparing their speeches.

4. Reconvene the class for a brief discussion of which arguments were deemed most powerful in each group.

Preparation for Chapter 13:

Ask students to read Chapter 13, taking notes on the key points about each view of the Founders' motives.

CHAPTER 13: THE FOUNDERS' MOTIVES

Overview:

This chapter provides students with a brief summary of writings on the intentions of the Founders. It begins with an excerpt on the view of the Founders as demi-gods and/or heroes who resolved the major issues besetting the country by writing a near-perfect constitution. It also provides excerpts from the writing of detractors, pointing to several areas that needed change. The review helps students understand two schools of thought on the Constitution – the nationalist view of the Founders as heroes and innovators and the revisionist contention that they were basically serving their economic and class interests. Various aspects of the former view are evident in the excerpts by John Fiske, Robert Brown, Clinton Rossiter, and Richard Morris. The latter view is presented through selections by Charles Beard, Jackson Turner Main, and Thurgood Marshall. A key passage to highlight in class discussion is Brown's rebuke of Beard, in which he argues that if the Founders personally benefited from their work, so too did the majority of Americans. The chapter ends with an assignment for students to write a 1200-word essay on the motives of the Founders.

Objectives: At the conclusion of this lesson, students should be able to:

1. Explain two conflicting views of the Founders' motives in drafting the Constitution.

2. State and defend their own positions on the Founders' motives.

Time Required: 2-3 class periods, plus several additional days for completion of homework

Materials: Copies of student Chapter 13 for all students, copies of Handout 13-1 for all students, student notes and previous chapters for reference

Procedure:

1. Begin class by reviewing the "Chapter Questions." Probe to see that students understand the heroic interpretation, Beard's criticisms, and Brown's rejoinder. Suggested answers are given below.

1. Possible definitions/explanations are:

   - demi-gods – people approaching the divine; view of Framers by early historians of the Constitution and the convention.
   - Progressive historians – refers chiefly to Charles Beard, whose views on the Constitution undoubtedly were influenced by the social criticisms voiced during the Progressive Era.
   - Robert E. Brown – attacked the Beard thesis, down to the last footnote
   - "direct financial interest" – Brown claimed that if the Founders personally benefited from their work at the convention, so did the majority of the nation.
   - bicentennial – the celebration of this occurrence could be said to affect the public's thinking on the motives of the Founders.
   - Richard Morris – noted historian who wrote an interpretation exonerating the Founders' motives in *Forging of the Union*.
   - Thurgood Marshall – first black Supreme Court justice; spoke out against the heroes interpretation.
   - "particularly profound" – Marshall did not find the Framers' concern for social justice "particularly profound" (deep).
   - Jackson Turner Main – extensively researched Anti-Federalists; found they were concerned with democracy and opposed to centralizing and aristocratic tendencies of the Founders.

2. The following is a simplified answer based on insufficient information; however, it introduces the idea that current events can affect the way historians and others view the past. Fiske, centennial celebrant of the U.S. Constitution, emphasized the Founders' heroic accomplishments and picked up on the heroic interpretation; Beard was influenced by social awareness during the Progressive Era and his debunking was widely accepted during the Great Depression. Brown's research of Beard's footnotes began in the patriotic times of World War II, followed by the Cold War against the Soviet Union. Richard Morris was writing at the time of the bicentennial, in the resurgent patriotism accompanying the Reagan administration. As a black American, Marshall would be particularly sensitive about the failure of the Constitution to support the rights of minorities.

2. Distribute Handout 13-1 and go over it with the class. This handout explains the essay assignment in some detail, focusing on the three most important parts of an essay: thesis with foreshadowing of major arguments, main body, and conclusions. Depending on your students' abilities and experience in writing essays, you may wish to talk to them about writing introductions to set the stage or attract the readers' interest, taking conclusions beyond a mere restating of the thesis to actually exploring its significance, and/or the use of qualified argument (e.g., "even though the Founders made an excellent resolution of the problem of dividing powers between the large and small states, in many other areas they acted like undemocratic aristocrats who were unwilling to give common people and slaves any rights or any voice in the government.") Conversely, if your class has difficulty grasping the concepts required to write an essay on the Founders' motives, you might redirect the essays to address the solutions to the five problems the Founders faced.

3. Help students begin work on the essay by reviewing the interpretations, discussing them, and brainstorming facts that support them. Make a heading on the chalkboard for each major interpretation and enlist students to find facts that support the various interpretations. These can be recorded on the chalkboard by you or the students themselves.

4. Ask students to decide upon their interpretation, reread the instructions, and begin their outlines. Before the next class period, they should complete their outlines and write their thesis statements.

5. During the following class period, allow time for students to reread class notes and the unit materials. While they are doing this, you should review and provide feedback on each student's outline. Students should be allowed to sit together in groups according to their interpretations. This will give you the opportunity to work with more students and permit students to learn from their peers. Issue stern warnings against plagiarism, reminding students to footnote all quotes. Again depending on the abilities of your students, you may wish to urge them to draw from sources other than the materials provided in this unit.

6. The essays should be completed as homework allowing no more than three or four additional days before they are due—ideally on the next Monday. At the beginning or ending of class periods while students are working on the essays outside of class, check to be sure that students are on the right track.

WRITING AN ESSAY ON THE FOUNDERS' MOTIVES

Your assignment is to write a 1200-word essay on your view of the Founders' motives. You should support your view with information about three of the following points:

1. **How the Founders resolved three or more of the issues they faced at the convention.** These solutions should form the basis for your essay. If you think the Founders arrived at good solutions, you will probably write a favorable opinion. If you strongly disagree with their solutions you will probably accept Beard's, Main's, or Marshall's interpretation.

2. **What was actually said at the convention and what you know about the Founders themselves.** Here you will want to review the speeches made at the convention and study the descriptions of the delegates. You might also research this topic in a library.

3. **How well the Constitution is put together.** Here you should examine what makes the Constitution great or not so great. Look carefully at the Constitution, and clearly explain why it works or doesn't work.

4. **The writings of reputable historians.** Look at the excerpts in this chapter, or find other references stating what historians or people today have said about the Constitution.

Your essay should have three major parts: a statement of your **thesis**, a **main body**, and a **conclusion**. The statement of your thesis should **foreshadow** your major arguments. Here is what is meant by these terms:

Thesis. The main idea of an essay identified in the introduction. It usually can be stated in a single sentence or two. Two examples of a thesis statement are:

- "The Founders were heroes."
- "The Founders may be seen as heroes, but we know that they in fact were most interested in helping themselves and others like them."

Foreshadow. Foreshadowing is stating very briefly the main arguments you will use to support your thesis. Usually less than a sentence is enough for each of the major points you intend to prove. For example, you might say "The Founders were heroes because they made good solutions to the issues they faced, gave speeches showing how much they cared for the country, and..." (We do not want to write this essay for you!)

If you did not like the Constitution, your thesis might be that "The Founders were selfish aristocrats who made bad solutions... etc." (We do not want to write this essay for you either!)

Main Body. This of course is the major part of your paper. It should be well organized, use facts and logic as evidence, and fully develop the arguments you foreshadowed in the introduction. You should use quotations and give credit to their sources, citing the author, title, publisher, and date. Ideas taken from sources other than this unit should also be credited.

Conclusion. The conclusion can simply restate your foreshadowing and end with your thesis. It may start with a sentence to the effect that "we have seen that the Founders made good, fair, and reasonable solutions to the problems they faced, showed a concern for the country in their arguments at the convention... etc." It does not have to be any more complicated than that, but you may want to explore the implications of your essay. For example, you might draw this conclusion: Does the fact that 'businessmen' wrote the Constitution indicate that our country's government may be particularly friendly to business?

Your essay will be due _____.

REFERENCES

Literally hundreds—if not thousands—of books and articles on the Constitution, constitutional convention, and Founders are available in the wake of the bicentennial. The following is merely a brief sampling of materials that would provide useful background reading for teachers and students.

American Heritage: Special Constitution Issue, edited by Byron Dobell (New York: American Heritage, May/June 1987).

Six articles integrate narrative, historic photographs and artwork, and interestingly appropriate advertising in this special issue on the Constitution. Covered are the views of Richard B. Morris; suggestions for constitutional changes from historians, authors, and public figures; a tour of Philadelphia; and an imaginary dialogue between James Wilson and a modern-day journalist.

Anti-Federalists, The, by Cecelia M. Kenyon (Boston: Northeastern University Press, 1985).

The long introduction to this work is a revision of Kenyon's 1955 article that was responsible for opening the first serious consideration of Anti-Federalist contributions to the founding of the American political system. Kenyon includes 18 selected primary documents that reflect "the different attitudes, temperaments, and methods of argumentation that characterized Anti-Federalist debates..."

Anti-Federalists, The: Critics of the Constitution, by Jackson Turner Main (New York: Norton, 1974).

This expanded dissertation explores the social and political origins of the Anti-Federalists' objections to the Constitution. Main identifies seven key reasons for the ultimate failure of the Anti-Federalists, concluding that the ratification struggle was a contest between the commercial and non-commercial elements of the population.

Are We to Be a Nation? The Making of the Constitution, Richard B. Bernstein with Kym S. Rice (Cambridge, MA: Harvard University Press, 1987).

This book is a comprehensive resource, providing five chapters on the events and revolution in political thought leading up to the constitutional convention, one chapter on the convention itself, one chapter on ratification, and one on establishment of the new government and passage of the Bill of Rights. Throughout, the author draws on recent scholarship in such areas as the philosophical underpinnings of the Constitution, the importance of the state constitution development process to participants in the convention, and the validity of the Anti-Federalists' contributions.

Articles of Confederation, The: An Interpretation of the Social Constitutional History of the American Revolution, by Merrill Jensen (Madison, WI: University of Wisconsin Press, 1940).

Jensen argued that the movement for the Constitution was fueled by conservatives, while reformers had been content to overthrow British rule and be free to make reforms in their own states. Jensen's work generally reflected the interpretation that the nation was on the brink of anarchy under the Articles of Confederation.

Charles Beard and the Constitution: A Critical Analysis of "An Economic Interpretation of the Constitution," by Charles E. Brown (Westport, CT: Greenwood, 1979, reprint of 1956 edition).

Brown traced almost every footnote from Beard's seminal work, finding fault with the interpretation. Brown concluded that "if the members of the convention were directly interested in the outcome of their work and expected to derive benefits...so also did most of the people of the country." The Constitution itself, Brown concluded, "was created about as much by the whole people as any government could be..."

Decision in Philadelphia; The Constitutional Convention of 1787, by Christopher Collier and James Lincoln Collier (New York: Reader's Digest Press, 1986).

"No single motivation can adequately explain the behavior of the men at the convention." With this warning, the authors launch an exploration of the personalities of the Founders, attempting an understanding of "how these men felt about such things as power, liberty, nature, truth, God, and life itself." *Decision in Philadelphia* has four parts: the background of and reasons for the convention, the clash between the interests of small states and large states, North vs. South, and the allotment of power between levels of government.

Declaration of Independence and the Constitution, The, edited by Earl Latham (Lexington, MA: D.C. Heath and Company, 1976).

One of the titles in the Amherst Problems in American Civilization Series, this book presents interpretations of writing of the Declaration of Independence, as well as discussion of the Revolution, the Critical Period, and the Constitution.

Economic Interpretation of the Constitution, An, by Charles Beard (New York: Free Press, 1965).

Beard's seminal work was the first to challenge the romatic view of the Founders. Based on analysis of treasury records and the business enterprises of the delegates, Beard concluded that the Founders "immediately, directly, and personally...derived economic advantages from the establishment of the new" government. Beard's work has largely been discredited, although economic concerns are still seen as important in understanding the development of the Constitution.

Federalist Papers, The, by Alexander Hamilton, James Madison, and John Jay (New York: Mentor Books, 1961).

The Federalist Papers are short essays written by these three Founders and published anonymously in New York City newspapers in 1787 and 1788 to encourage ratification of the Constitution in Hamilton's state, where a battle with opponents was expected. The 85 essays clearly explain much of the thinking of the Founders.

55 Men: The Story of the Constitution, by Fred Rodell (Harrisburg, PA: Stackpole Books, 1986).

This book, originally written in 1936 but reissued for the bicentennial, is a blow-by-blow account of the convention. It looks at the Great Compromise and the tension surrounding it, as well as the issue of the census and how slaves were to be counted for purposes of taxation and representation. The author gives a detailed account of the debate surrounding the establishment of the three branches of government.

Forging of the Union, The: 1781-1789, by Richard Morris (New York: Harper and Row, 1987).

This book thoroughly describes the United States during the famed Critical Period, organizing information under such headings as the military-fiscal complex, the operation of the Congress, depression diplomacy, the West, and the Mississippi. Morris finds the original Constitution flawed, blaming many of the unresolved problems encountered by the government on this document. He also shows how various clauses of the Constitution were rooted in problems confronted during this period. The chapter on the convention brings many strands in the previous chapters together. Morris argues the Federalists' causes, sometimes, it seems, without confronting facts supporting the Anti-Federalists.

Machine That Would Go of Itself, A: The Constitution in American Culture, by Michael Kammen (New York: Knopf, 1986).

This book is a study in "popular constitutionalism," which Kammen defines as "the perceptions and misperceptions, uses and abuses, knowledge and ignorance of ordinary citizens." Kammen sought to

answer five questions: Why should the subject of constitutionalism be perplexing or confusing? How have Americans felt about the Constitution? What have Americans known and not known? What have been the consequences of the curious blend of reverence and ignorance of the Constitution? Is cultural constitutionalism in the United States distinctive, or does it have parallels elsewhere?

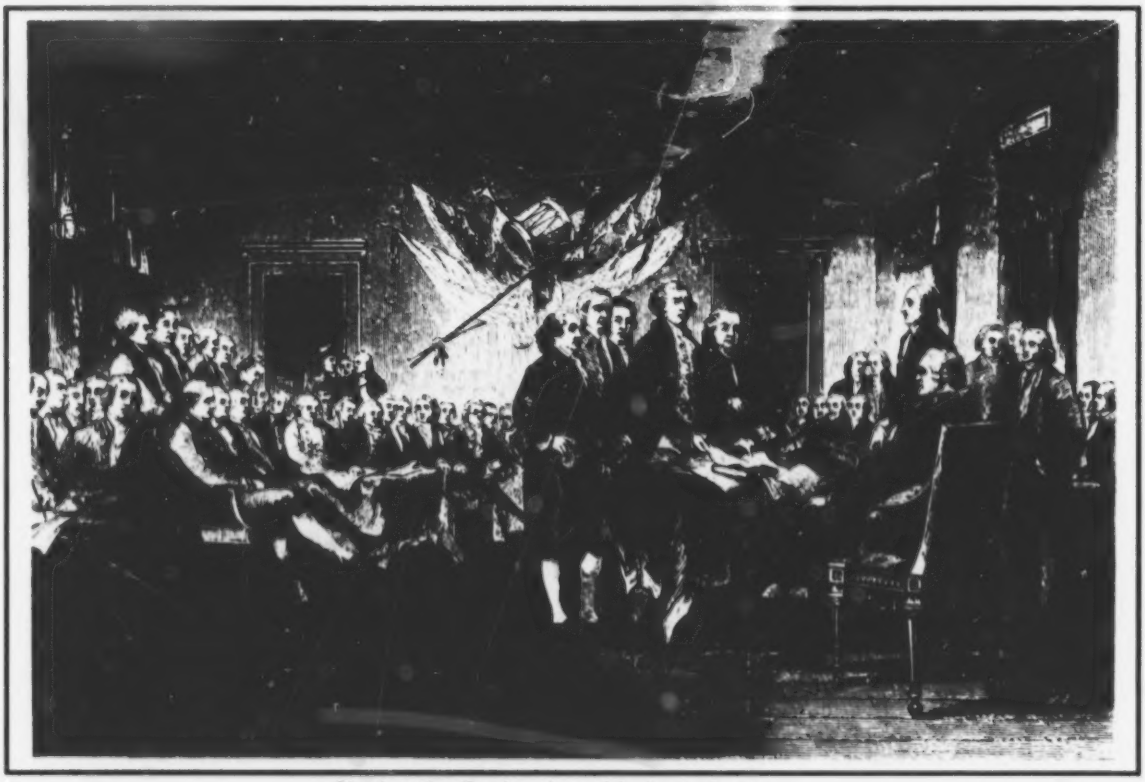
Meaning of the Constitution, The, by Angela Roddey Holder (Woodbury, NY: Barrons Educational Series, 1977).

This book provides a clause-by-clause explanation of the meaning of the Constitution. It is written at a ninth-grade level and is intended for student use.

Miracle at Philadelphia: The Story of the Constitutional Convention, by Catherine Drinker Bowen (Boston: Atlantic Monthly Press, 1986).

This book provides a detailed retelling of the constitutional convention, along with a descriptive tour through Philadelphia and late 18th-century America. Bowen focuses on the Founders—their lives, personalities, and contributions to the convention. She quotes often but not overwhelmingly from the convention record.

CHAPTER 1: WRITING A CONSTITUTION



Signing the Declaration of Independence

...to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Thomas Jefferson wrote these words in the Declaration of Independence. He went on to declare "that as free and independent states, (the former colonies) have full power to do all acts and things which independent states may of right do."

As the colonies became separate entities, they appointed committees to draw up constitutions. A constitution outlines the powers and organization of the government and describes the procedures it will use. A constitution may also state the rights of the people.

The Articles of Confederation

The first constitution uniting the 13 states was called the Articles of Confederation. It was ratified in 1781 and remained in effect until 1789. It was quite different from the Constitution we have today. For example, each state was entitled to seven delegates in Congress but had only one vote. Congress had one branch instead of two. There was no Supreme Court and no executive branch.

Congress had the power to coin money, make treaties, raise armies, and make war. But Congress could not collect taxes, impose tariffs, put down rebellions, draft soldiers, or regulate trade. Because there was no executive branch, Congress had to rely on the states to enforce the law. For example, if

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Congress wanted money, it had to ask the states. The states would, if they wanted, supply the funds requested. Congress could not directly collect taxes. The states had many powers they no longer have. They could coin money, tax imports, and determine the rights of citizens.

The Call for Change

In 1786, a rebellion led by Daniel Shays of Massachusetts pointed out some of the weaknesses of the government under the Articles. Massachusetts was in a serious economic depression. Farmers wanted their debts cancelled. They demanded that the state legislature print paper money. When the legislature refused, the rebels attacked the federal arsenal in Springfield. The rebellion was put down only after Boston merchants raised the money needed for an army to oppose Shays.

Many leaders felt this incident proved that the nation needed a government strong enough to suppress rebellions, solve financial problems, and resist the demand for paper money.

The movement for a new constitution was led by Alexander Hamilton, James Madison, and George Washington. In February 1787, Congress called for a convention to meet in Philadelphia to "revise" the Articles of Confederation. Ignoring these limited instructions, 55 delegates, representing 12 states, drew up a completely new plan of government. This plan is the Constitution that governs the United States today.

Issues before the Convention

Five major problems faced the men who wrote the Constitution. They were:

- **Representation by state or population.** The large states, such as Pennsylvania, Massachusetts, and Virginia, wanted each state to have votes in Congress in proportion to its population. Thus, Virginia, with 821,000 people would have 16 votes. Delaware, with 59,000 people would have only 1 vote. The small states, such as Delaware, New Jersey, and Georgia, wanted each state to have one vote. Some of the middle-sized states, such as Connecticut, were prepared to offer a compromise – a House of Representatives based on population and a Senate based upon equal votes for all states.
- **Local control or states' rights vs. national authority.** All the delegates wanted to give the national government more power than it had under the Articles. But how much more? Some, like Alexander Hamilton of New York and Gouverneur Morris of Pennsylvania, wanted to abolish state governments completely. Others, like John Lansing of New York and Luther Martin of Maryland, felt that "the General Government was meant merely to support the State governments." The delegates had great difficulty arriving at an acceptable solution.
- **Majority rule vs. checks and balances.** Some of the Founders, including Alexander Hamilton, and John Dickinson of Delaware, had little faith in the people. They wished to limit the people's power in the government. Their suggestions included (1) restricting the right to vote, (2) indirect election of the president, (3) immunity from impeachment, and (4) absolute veto power for the president. Another group, headed by Luther Martin of Maryland, John Lansing of New York, George Mason of Virginia, James Wilson and Ben Franklin from Pennsylvania, and Hugh Williamson of North Carolina favored short terms for elected officials, no restrictions on the right to vote, direct election of the president, impeachment, and no veto.
- **The Bill of Rights.** Several delegates, including Martin, Elbridge Gerry of Massachusetts, and George Mason of Virginia, wanted a bill of rights to limit the powers of the government and protect the rights of the people. Others, such as Hamilton, Wilson, and Nathaniel Gorham of Massachusetts, opposed such a bill. Charles Pinckney of South Carolina had specific suggestions for rights that should be protected.
- **The slave trade.** One of the most controversial issues at the convention was the question of slavery and, in particular, the slave trade. Surprisingly, such slave owners as Martin, Mason, and James Madison of Virginia wanted to end the slave trade. Some favored outright aboli-

tion of slavery. Strong objections, however, were voiced by Pinckney and Edmund Rutledge of South Carolina, who threatened to walk out of the convention if slavery was attacked. They were supported by Northern delegates who opposed slavery, but did not want to risk splitting the Union over the issue.

Chapter Questions

1. Define or identify and briefly show the importance of each of the following:
    - "to secure these rights"
    - constitution
    - Articles of Confederation
    - "one vote"
    - executive branch
    - Shays' Rebellion
    - reasons for rebellion
    - Hamilton, Washington, and Madison
    - 55 men
2. What problems under the Articles of Confederation led to calling a convention?
3. What were the five major issues before the Convention?

CHAPTER 2: THE AGE OF CONSTITUTION MAKING

Even before independence was declared, seven colonies began writing new constitutions. Four others followed shortly after July 4, 1776. At the same time, the Continental Congress appointed a committee to draw up a constitution for the 13 colonies.

These new constitutions, although they did not break violently with the past, constituted new social contracts. Social contract was a term that had been used by the British philosopher John Locke. He said that people enter into social contracts when they create governments to protect their natural rights.

Examining the differences between the old and new constitutions shows how ideas about government were changing in the new nation. As you read the lists below, remember that the legislative branch makes the laws, the executive branch enforces the laws, and the judicial branch interprets the laws (says what they mean).

From Colony to State

Under England	After Independence
Executive Branch	**Executive Branch**
Governor appointed by Crown or proprietor in 11 states; elected by people in 2.	**Governor** elected by voters in five states and by combined house and senate (or equivalent) in seven.
Term of office determined by Crown; could be for life, but averaged five years.	**Term of office** ranged from one to three years; often could not be reelected for successive terms.
Veto power for all laws passed by assembly. Assembly could not override veto.	**Veto** power denied governor in all states except Massachusetts.
Advisory council in all colonies advised governor, served as upper house of legislature and often as supreme court.	**Advisory council** had 4 to 12 members in 11 states; intended to share governor's powers, but not serve as part of legislature.
Legislative Branch	**Legislative Branch**
Upper House (called Council) generally appointed by governor. Advised governor, gave assent to all laws passed by lower house, and acted as supreme judicial court in colony. Terms of office usually determined by governor.	**Upper House** (usually called Senate) generally elected by voters for terms ranging from one to five years and occasionally serving on rotational basis (i.e., terms expired at different times). Possessed higher qualifications for office than members of lower house (i.e., members had to hold greater amounts of property than members of lower house). Gave assent to all laws passed.
Lower House (called Assembly) elected by voters. Had power to originate laws concerning money matters.	**Lower House** (called House) elected by voters. Had power to originate laws concerning money matters. Principle that taxation rested on consent of people generally written into constitution.

Made laws

Elections held annually.

Judicial Branch

Judges appointed by governor in most cases.

Separation of Powers Between Branches

Principle not specifically stated in constitution or charters.

Bill of Rights

Generally not articulated in charters but often drawn up by legislatures.

Qualifications for Voters

All colonies had property qualifications. Average was property worth £ 50. Higher qualifications for being member of assembly, member of governor's council, and governor.

Made laws

Appointed officers of government in five states and shared power with governor in most others.

Elections held annually.

Judicial Branch

Judges appointed by governor in eight states; by legislature in four; elected by people in one. Legislatures determined judges' salaries. Judges could be removed in seven states.

Separation of Powers Between Branches

Principle of separation of powers specifically stated in five constitutions in statements similar to the following:

"The legislative department shall never exercise the executive and judicial powers, or either of them, the executive shall never exercise the legislative or judicial powers or either of them; the judicial shall never exercise the legislative or executive powers, or either of them."*

Bill of Rights

Contained in constitutions of eight states. Others incorporated general principles contained in Stamp Act of Congress of 1765 or Declaration of Rights (1774). All bills contained principles of human equality and guarded rights to trial by jury, freedom of press, and free elections. Generally protected rights of assembly, right of petition, and right of taxation without representation. A number of states abolished slavery or importation of slaves.

Qualifications for Voters

Property qualifications were reduced or eliminated in four states; maintained in nine. Qualifications for holding office remained higher than voting qualifications, were higher for senators than members of house, and were higher for governor than senators.

*William Clarence Webster, "Comparative Study of the State Constitutions of the American Revolution," *American Academy of Political and Social Science Annals*, IX (1897), p.389.

Rights of Colonies

England claimed in Declaratory Act of 1766 the right to make laws for colonies in all cases whatsoever.

Rights of States

Six states guaranteed state sovereignty with declarations similar to or stronger than the following: "The People of this state have sole, exclusive and inherent right of governing and regulating the internal police of the same."* These rights were declared beyond legislative and executive interference. Rights were also guaranteed by Articles of Confederation (see next page) in Article II, "Every state retains...every power... and right which is not...expressly delegated to the United States."

Ratification and Amending

Constitutions or charters were generally imposed by England or developed through practice.

Ratification and Amending

Two states required the people to ratify their constitutions; in others the constitution needed only assent by the group writing it. In six states, amendments to the constitution could be made by state legislatures.

From Colonies to Nation

Under England

No written constitution

Executive Branch

King appointed governors in most colonies. Governors were chief executives, who with support of British army, custom's agents, etc., enforced British laws.

After Independence

Constitution called Articles of Confederation; written in 1777 and ratified in 1781.

Executive Branch

Congress could appoint a president, who could serve one year and had to wait for two more years before serving another term. He was given the power to direct "committees and civil officers as may be necessary for managing the general affairs of the United States" while Congress was not meeting.

Basically, there was no executive branch of government under the Articles of Confederation. The states enforced the law in their own territory.

*Ibid. p. 388.

Legislative Branch

British Parliament made laws for colonies that the British believed were binding on the colonies in "all cases whatsoever." Parliament consisted of the House of Commons, elected by British voters, and House of Lords, based on heredity. Colonists could send "observers" to England but could not vote.

Parliament could and did:
- declare war and peace.
- ratify treaties.
- raise armies and force men into army or navy.
- coin money and stop issuance of paper money by colonies.
- keep troops in homes.
- tax colonies and collect taxes.
- make trade laws.
- close harbors.
- order trials to be held in England.
- take away rights of speech, press, etc.

Judicial Branch

Governor's council and House of Lords were the courts of last resort in the colonies and in England.

Qualifications of Voters

Only British men with property could vote for the House of Commons in England.

Rights of Colonies

No specific rights were guaranteed the colonies, except for tradition, which was not binding.

Ratification and Amending

Not applicable

Legislative Branch

The Continental Congress was the legislative branch. Each state could send between two and seven delegates, but only had one vote in Congress. The approval of nine states (not a simple majority) was needed to get agreement in important matters.

Congress had the power to:
- make war and peace.
- send and receive ambassadors.
- enter into treaties and alliances.
- raise armies but not draft or force people to join the army or navy.

But Congress lacked the power to:
- collect taxes and stop states from printing money.
- regulate trade by imposing tariffs or stopping states from taxing one another.
- enforce treaties and draft soldiers.
- take away any of the people's rights.

Judicial Branch

Congress "would be the last resort in all disputes and differences" between states.

Qualifications of Voters

Members of state legislatures voted for members of Congress.

Rights of States

Article 2 of Articles of Confederation stated, "every state retains every power and right which is not expressly delegated to the United States."

States could not make treaties or alliances or engage in war without the consent of Congress.

All states must "abide by the determination of the United States on all questions which shall be enviably enjoyed by every state."

Ratification and Amending

Before the Articles could go into effect, each of the 13 state legislatures had to approve them.

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Chapter Questions

1. Define or identify and briefly show the importance of each of the following:
    - executive branch
    - veto power
    - advisory council
    - legislative branch
    - lower house
    - appointed officials of government
    - judicial branch
    - separation of powers
    - Bill of Rights
    - qualifications for voters and office holders
    - rights of colonies vs. rights of states
    - ratification and amending
    - Articles of Confederation
2. In the state constitutions written after independence was declared, do you see any changes indicating more democracy? Be specific. Show why the changes you saw are or are not more democratic.
3. How would your delegate have responded to changes made in the government after 1776? Was there too much democracy? Should the national government have had more power? Support your answers.

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CHAPTER 3: THE AGE OF SOCIAL CHANGE

The British Evacuate Boston

When General Howe evacuated Boston in March 1776, he took 1,100 refugees with him. Another 1000 people loyal to England followed the British army out of Massachusetts (altogether 70,000 loyalists left the colonies during or after the war). The majority were members of old, aristocratic families who had served the colony with distinction during the colonial period. The removal of colonists with much of the wealth and talent in society and government caused great changes in the country. It cleared the way for new men to enter politics.

The destruction of the old social order reflected basic changes in society. These changes explain the ideas and motives of the men who wrote the Constitution. These changes and the problems they presented to the Founders are described in the following pages.

The British Concept of Balanced Government

In England, built-in constitutional arrangements assured that the rights and freedoms of the people would be protected. The British constitution was based on well-defined orders in society. Each branch of government, representing one of these orders, was balanced against the others. Thus, the king or chief executive represented royalty, the first order of society, and was the administrative branch of government. His power was checked by a nobility or hereditary aristocracy, whose stake in society was adequate safeguard against violent or unnecessary changes. The aristocracy was represented in the House of Lords, which functioned as the upper house of the legislature. Finally, the common people, or third order of society, were represented in the House of Commons, which was able to

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check the power of crown and nobility. Thus, each social order, with antagonistic interests, checked the power of government to destroy liberty.

The British concept of balanced government also operated in the colonies. The colonial counterpart of the crown was the royal governor. His power was checked by a council representing the colonial aristocracy or elite. They in turn were checked by the assembly, representing the people.

These constitutional arrangements were considered the ideal form of government by all but a minority of radicals, who questioned the whole system. What worried men of good faith was that one branch would get too powerful and impose its will on the others.

The Destruction of the Old Order

The American Revolution in one breath destroyed the balance between the orders of society. The royal governors were forced to return to England. The colonial elite or aristocracy was discredited and withdrew from politics or fled the country. Of the original three orders, only the people themselves were left. This sudden restructuring of society was bound to create great problems in forming new governments. Who was left to check and control the power of the people?

In writing new state constitutions, many assumed that a new aristocracy, based on education and talent, would take the place of the old aristocracy. Many of the new constitutions provided for a senate selected to insure that its members were the wisest and most independent people of the state. Not every state made such provisions, however; some, such as Pennsylvania, only provided for one house of the legislature. Others provided for senators with no different qualifications than those serving in the lower house.

It had once been assumed that men who would become leaders in colonial society would have the necessary education, social background, wealth, and natural talents. But the Revolution created a new breed of politician who lacked the qualifications of the leaders during colonial times. Men whose claim to leadership was not based on their wealth, education, and social standing were rising to power and posing a threat to the old social hierarchy. This was the truly revolutionary change that worried the men who wrote the U.S. Constitution.

The Danger of Faction

Patrick Henry, who rose from the backwoods to become governor of Virginia, and Samuel Adams, who became governor of Massachusetts after years of business failure, symbolized the new men in American politics. The Founders were concerned that these new men would represent their own personal ambitions and interests, rather than looking objectively at what was best for society at large. These fears received their clearest expression from James Madison, the philosopher of the Constitution, in an essay known as *Federalist 10*.

Madison feared that special-interest groups would replace the three orders destroyed by the Revolution. He called these special-interest groups factions. Each faction (debtors, creditors, shippers, manufacturers, landless individuals, etc.) would tend to think of what was good for their own group rather than for the society as a whole. The purpose of the Constitution, Madison argued, was to protect and preserve the public good against a faction consisting of the majority of the people and at the same time to preserve the spirit and form of popular government.

Madison believed that the best way to protect the country from factions was to establish a republic ruling over a far larger area than a single state. A republic is a form of government in which people elect representatives to make the laws. Madison claimed that a large republic had two advantages over a direct democracy, in which the people themselves make the laws.

The first advantage that Madison saw was that the representatives elected by the people would be wiser than the people themselves. Thus, they would not act in a selfish way. Extending the government over a large area, Madison believed, would make it difficult for leaders of factions to gain widespread

public support. While these leaders might gain control of one state, they would not be likely to gain control of the whole country. This was the second advantage of a large republic.

John Adams wrote a book that argued that factions could be controlled by creating a legislative branch with two parts. One would be democratic. The people would vote directly for the members of this part. The other part would be aristocratic. Its members would be elected by state legislators (who would be wiser than the general public). Thus, the democratic and aristocratic parts of the legislature would control each other. Adams' book was published shortly before the constitutional convention. It had a great influence on the thinking of some delegates.

Chapter Questions

1. Identify or define and show the importance of the following:
    - the three orders in British society and their place in government
    - restructuring of society
    - new breed of politicians
    - factions (define and give examples)
    - republic and democracy
    - ways a republic can reduce the threat of a majority faction
2. Why did Madison and others worry about factions (such as landless people and debtors) who might become a majority? How could a republic with a two-part legislative branch protect the country from this danger?
3. Do you think your delegate agreed with Madison's views about the danger of factions and how they might be curbed in the new constitution? Explain your answer and discuss whether Madison's views were too undemocratic to be included in the U.S. Constitution.

CHAPTER 4: PAPER MONEY AND SHAYS' REBELLION

"Are your people...mad?" General Washington demanded of his correspondent in Massachusetts. His former artillery commander, Henry Knox, confided that "(t)hey are determined to annihilate all debts public and private...by the means of unfunded paper money." Thomas Jefferson, hearing the news, took a calmer view. "A little rebellion now and then is a good thing" the author of the Declaration of Independence philosophized, for "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

The "little rebellion" to which Thomas Jefferson referred is known in history as Shays' Rebellion. The rebels, totaling over 1,600 men at full strength, roved the western sections of Massachusetts, closing courts, intimidating judges, and finally attacking the federal arsenal in Springfield.

Shays suffered his first defeat in Springfield. Here he and his band met the determined opposition of Major General Benjamin Lincoln. Lincoln had raised an army with the help of private contributions from 130 thoroughly alarmed Bostonians, including the state's governor, James Bowdoin. Bowdoin had donated £ 250 from his own pocket, for his bankrupt state lacked the money needed to restore order within its own borders. Retreating after their unsuccessful attack on the arsenal, Shays and his men were pursued by General Lincoln. Driving his troops through a fierce January blizzard, Lincoln surprised Shays' band and captured 150. The rest fled in confusion. Shays himself took refuge in New Hampshire and later in New York.

Shays' Rebellion was symbolic of the problems facing the nation after the Revolution. Not only were new men rising into positions of government leadership, they were challenging the existing social order. Factions, such as debtors, contended for control of government, hoping to pass laws favorable to their interests. Anarchy threatened to replace order. Both the national and state governments seemed helpless in dealing with the problems underlying the revolt. There was widespread disagreement whether the issues raised by Shays could best be resolved on the state or national level.

Causes of Shays' Rebellion: Paper Money

Money was the root cause of the rebellion led by Daniel Shays: money, taxes, debts, poverty, languishing trade, and agrarian (farmer) discontent. During the Revolution, every state taxed itself heavily to pay for the war. The Continental Congress requested taxes from each of the 13 states. The states often failed to pay their taxes to the national government. Unable to force the states to support the Continental Army, Congress resorted to printing paper money with nothing to back it up. Soldiers were paid in this paper currency. Suppliers for Washington's meager army received paper money and government bonds. It was an age-old way of financing wars, but one which led to disaster. By 1780, the Continental paper dollar was worth one-fortieth of a cent in gold or silver. Merchants simply refused to accept this worthless paper. They wanted gold or silver. Then, in 1780, Congress called the money back and issued gold and silver at the rate of $1.00 for $40.00 in paper. Paper money had proved an inadequate means of financing the Revolution.

As the war drew to a close, the states faced a tremendous debt. The exact figures will never be known, for the states kept inaccurate records. Massachusetts owed some £1,500,000; Pennsylvania and Virginia each owed sums approximately three times as great. The result was that the taxpayers faced a tremendous burden. To pay these debts, taxes in Massachusetts took one-third of people's income. The increase in taxes between 1774 and 1786 was over 1,000 percent.

How could the states meet this overwhelming tax burden? Seven issued paper currency. In some states, as in New York, Virginia and South Carolina, the plan succeeded. Paper money there enabled these states to pay off parts of their war debts without imposing a crushing tax on their people.

In Rhode Island, things were different. The state legislature issued paper money and passed a law requiring its acceptance by creditors and merchants. When men began to flee the state to avoid

receiving payment in money they considered worthless, a law was passed permitting debtors to deposit the money with local judges.

In Massachusetts, the state legislature was controlled by men who failed to see the advantages of paper currency. Scared by the example of neighboring Rhode Island, they resisted demands for paper money. They argued that debts should be repaid in currency of the same value as the money borrowed. Paper money advocates were viewed as shiftless individuals who would cheat the men to whom they owed money. Meanwhile, Massachusetts embarked on an ambitious program of paying state debts to speculators who had bought up all bonds at a fraction of their former value and now demanded payment in full.

Causes of Shays' Rebellion: Depression in Massachusetts

Massachusetts could probably have settled its money problems without resorting to violence. But the war's end brought hard times. A buying spree, largely of luxury items, depleted the state of the little gold and silver currency in circulation. Meanwhile, Great Britain dumped her products in Massachusetts in order to regain her old market. But the British refused to open their ports to American products. They even barred American ships from the once-profitable West Indies trade. Deprived of its traditional markets, Massachusetts' commerce languished. Its farmers had no buyers for their harvest; its profitable distilleries were closed; its bustling shipbuilding industry lay idle. Congress was unable to help, for it lacked the power to negotiate a commercial treaty. Faced by a shortage of money, the farmers in their native state were unable to pay their taxes.

The Causes of Shays' Rebellion: Taxes in Massachusetts

Taxes in Massachusetts fell hardest on small farmers and the poorest citizens. A full 40 percent of the tax burden was the poll or head tax, which fell alike on all citizens, regardless of income. The poll was four times higher than in neighboring New Hampshire. The average tax collected, three pounds per adult male each year, caused the typical farmer to pay about one-third of his income to the state. Much of the collected money was used to pay debts to wealthy merchants and lawyers living in the seaboard towns.

Many Massachusetts farmers were unable to pay their taxes or their private debt. Their difficulties in meeting these obligations led to other problems. Courts foreclosed on farmers. Their lands and personal possessions were sold at public auctions, often for one-third of their actual worth. Worse yet, debtors were thrown into cold and dark dungeons, called debtors prisons. They were left there until friends or family could afford to bail them out. Furthermore, lawyers exacted high fees, which the imprisoned were unable to pay. Court costs added to their woes.

Protest and Rebellion

Hardships led to protest. As early as 1782, farmers petitioned their government for "redress of grievances." No relief was forthcoming. In 1786, four counties held semi-legal conventions and demanded reductions in court and lawyer fees, reductions in salaries for government officials, reductions in taxes, and, above all, the printing of paper money. The state legislature, which had suspended taxes the previous year, however, was in no mood to postpone collection even longer.

It was not long before the farmers took the law into their own hands. In August, 1,500 men took control of the Hampshire County Courthouse. They forced the court to adjourn to prevent further foreclosures. In Worcester, Judge Artemas was swept out of court after criticizing the rebels for taking the law into their own hands. In Bristol, Chief Justice David Cobb, with the aid of 30 volunteers and a brass cannon, managed to keep court in session.

The legislature made minor concessions and offered to pardon all of the rebels. It still refused to issue paper money. Meanwhile, General Knox negotiated with the Continental Congress to send 1,340 volunteers to protect the state against a revolution. The governor's council authorized a force of 4,400 men, but the government lacked the money to pay them. The $20,000 needed to fight the rebels was

finally raised by contributions from private citizens. General Lincoln was appointed to head the army commanded to suppress the rebellion.

Chapter Questions

1. Identify or define and tell the importance of the following:
   - annihilate debts
   - "little rebellion"
   - Shays at Springfield
   - paper money (give at lease one example of a state where paper money worked and a state where it didn't work)
   - states' debts
   - poll tax
   - lost farms and debtors' prison
   - closing courts
   - General Lincoln
   - $20,000
2. Explain why paper money was desired by poor farmers but not by wealthy merchants or creditors.
3. Make an argument for Shays' farmers based on two of the followiung: (1) the need for paper money, (2) high and unfair taxes, (3) foreclosures of farms, (4) the right to rebel.

   or

   Make an argument against Shays' Rebellion based on two of the following: (1) the danger of paper money, (2) the need for the states to repay their debts, (3) the reason for foreclosures, (4) the right to rebel. Which argument do you find more convincing?

CHAPTER 5: THE ROAD TO PHILADELPHIA

Historians have called the six years following the end of the Revolution, the Critical Period. It was critical, historians claim, because the United States was teetering at the brink of collapse, unable to pay its debts, control its borders, enforce its treaties, suppress its rebellions, or establish its currency. Yet, the United States was able to win the Revolution, borrow enough money to keep the government going, pull out of a depression, increase its trade, and resolve the question of western lands. This chapter discusses the period, looking at the country's problems and how the constitutional convention came to be called.

Foreign Relations

While paper money, revolutionary war debts, and higher taxes concerned farmers and creditors, other equally pressing problems drew the attention of those with a more national outlook. The new nation was unable to negotiate a favorable trade treaty with Great Britain. Alluding to the fact that the government under the Articles lacked the power to enforce treaties, the British scornfully suggested that they sign separate agreements with each of the 13 states. Indeed, Great Britain had so little respect for America's power that it refused to vacate the forts in the northwest, which it had agreed to do at the end of the Revolution.

One excuse the British gave for not leaving the forts was that the United States was not living up to the Peace Treaty of 1783. The United States had promised to return lands taken from Americans who left their country because they sided with England during the war. Even a government far stronger than the one under the Articles probably could not have forced states to take the lands from their current owners and return them to the original owners. Few people wanted to see these lands back in the hands of those whose loyalty to England caused them to flee the country during the Revolution.

In the far west, Spain blocked access to the Gulf of Mexico by refusing Americans permission to use the ports in New Orleans. In Florida, the Spanish encouraged the Indians to harass white settlers. The situation was so bad that one American diplomat was willing to surrender the right to use the mouth of the Mississippi for American trade in exchange for a treaty to trade with Spain. Meanwhile, western settlers, despairing of getting help from their weak government, plotted to break from the Union, form a western republic, and seek an alliance with Spain.

In the east, states squabbled over conflicting land claims and taxed each other's imports. Worse, Congress was helpless as states refused to pay their fair share of taxes. Unable to pay the salaries of employees or the wages for the remaining soldiers, Congress often could not even act for want of a quorum. An army mutiny was headed off by a dramatic appearance by George Washington, who refused an offer from his disgruntled officers to lead it. Attempts at amending the Articles to at least give Congress the power to tax imports or enforce treaties failed to get the required approval of all 13 states.

Trade and Western Lands

Some encouraging things did occur during the Critical Period. For instance, trade with England increased considerably, and new trade routes were being opened with other countries. However, imports from England greatly exceeded the exports, thus causing a loss of gold and silver coin. This was one of the reasons for the pressure to issue paper money.

Congress, as weak as it was, did manage to resolve one major problem. It made provisions through the Land Ordinance of 1785 and the Northwest Ordinance of 1787 to deal with the territory west of the Appalachian Mountains. These laws resolved issues that predated the Revolution. The new laws allowed the land to be sold in lots of 640 acres. Settlers could form governments. Once the population reached 60,000 and the settlers wrote a constitution, Congress could accept them as a new state. These acts set an important precedent. The United States would expand westward by

establishing self-governing territories and states – not colonies to be ruled by an equivalent of Parliament and George III!

Steps Toward the Convention

As early as 1780, Alexander Hamilton called for increasing the powers granted under the Articles. Several amendments, dealing mainly with the power to collect tariffs, were defeated because one or two states refused to ratify them. Under George Washington's and James Madison's leadership in 1785, Virginia and Maryland discussed their mutual problems concerning navigation of the Potomac River. Encouraged by their success, a call for a conference at Annapolis was extended for the next year. Five states attended. Hamilton and Madison used the occasion to call for a convention of all states to meet on May 14, 1787:

> To take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies [problems] of the Union...

Congress by and large ignored this request until February 1787. Spurred by Shays' Rebellion, it called for a convention to meet on May 14, in Philadelphia:

> for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies [needs requiring immediate attention] of government and the preservation of the Union.

The Issues at Hand

While Shays' Rebellion was the immediate cause for revision of the Articles, it only served to focus attention on their many weaknesses. It was clear to many who tried to deal with national problems that the United States desperately needed to be able to: (1) raise money in taxes, (2) enforce the treaties it made with foreign countries, (3) establish a uniform currency, (4) regulate commerce (trade) between the states, (5) impose a tariff (tax on imports), and (6) allow changes in the constitution that would take effect without the agreement of every state. In addition, the U.S. needed (7) an executive branch of government that could enforce the laws made by Congress.

If the above were generally agreed upon, however, much remained to be decided:

- Should the states each have one vote in Congress, or should representation be in proportion to their population?
- How should power be divided between the national and state government?
- How far could the people be trusted to choose good leaders, and how much did their power need to be curbed with careful checks and balances?
- Was it necessary to issue a statement protecting the people's rights? If so, what rights needed to be protected?
- What should be done about slavery and the slave trade?

All these questions and many more faced the men who in May 1787, set out to write a new U.S. constitution. These are also the questions that you will be asked to work out – just as they did – by making speeches, arguing, and compromising.

Chapter Questions

1. Identify or define and show the importance of each of the following:
   - "Critical Period"

- 13 treaties
- northwestern forts
- those loyal to England
- New Orleans and Spain
- collect taxes
- mutiny
- quorum
- approval of all 13 states
- gains in trade
- Northwest Ordinances
- meeting in Philadelphia

2. Select the three issues you believe were most important to the country. Explain why you think they are important and what your delegate thinks about them.

Running Your Convention

Every day of the convention should begin with delegates' stating the issue of the day in their own words. You must have either a speech or notes on the speeches you read for homework and a brief statement explaining what you plan to do that day in class to represent your delegate's position. Remember, you must represent your delegate's views whenever the delegate spoke in the debates on that issue at the actual convention, for at least three days during the convention. On the other two days, you may represent your own beliefs, providing your delegate did not speak on those issues at the actual convention.

Arrangement of the Room. Every day of the mock convention should begin with delegates arranged in a circle by state, with your convention name and state prominently displayed on paper taped to your desk. Discussion will start with a call for delegates to state the issue to be discussed in a "prejudicial manner," indicating their stand on the issue. After several such statements, one student/delegate should give his/her speech, speaking slowly enough for students to take notes. Other students should ask questions for the purpose of clarification and confront the speaker with opposing views. After all who wish to have participated, you will proceed to the next speaker and repeat the process.

Caucusing. When the number of students wanting to speak far exceeds the number who can participate, the teacher will announce a "caucus." During the caucus, you may leave your seat and talk directly to delegates whose views you wish to change or those with whom you want to make a deal.

Voting. After no more than 20 minutes of caucusing, the teacher will gavel the convention to order, ask for a few last arguments, and then begin the voting. Each state will have one vote. If a state is evenly divided, it is registered as undecided; in other cases, the majority rules. All issues should be decided by a clear majority of the states present.

Assignments. Remember, you will be accountable for three written assignments:

- One speech of 200 words, advocating a specific position on an issue.
- A notebook summarizing each issue and the major speeches related to it.
- At least one Deal Sheet on which you have made an agreement with another delegate.

CHAPTER 6: THE CONVENTION/REPRESENTATION BY STATE OR BY POPULATION

One of the major issues delegates to the convention had to resolve was how many votes each state should have. Under the Articles of Confederation, each state had one vote, regardless of size. The states were considered equals. At the convention, each state had one vote, though there were three or four people in some delegations and only one or two in others.

Some delegates, particularly those from larger states, thought it was unfair for each state to have the same number of votes. They thought the states' votes should be divided according to population, with the more populous states having more votes than the less populous. That way, the people within the states would be equal. Delegates from smaller states opposed this plan, believing that states had entered the Articles as equals and should not be deprived of this equality. The issue was important because it would affect the power of each state in the new government.

The Debate

Mr. Madison (Virginia) rose to make the motion that:

> the equality of suffrage established by the Articles of Confederation ought not to prevail in the national Legislature, and that an equal ratio of representation based on population ought to be substituted.

Mr. Morris (Pennsylvania) seconded the motion.

Mr. Read (Delaware) – I move that the whole motion on the question of representation be postponed. May I take this opportunity to remind the convention that the delegate from Delaware received explicit orders from the state not to allow any changes in the method of representation. If such a change is made and agreed upon, Delaware may have to leave the Convention.

Mr. Madison (Virginia) – Whatever reason there may have been for equal votes by states under the Articles of Confederation, it must change with the creation of a national government. Under the Articles, the Congress depended completely upon the states to carry out its laws. With the new government we intend to create, however, it would not be fair for the small states to have as much say as the large ones.

Mr. Morris (Pennsylvania) – It would be of great concern to me if Delaware would withdraw her valuable assistance in writing the Constitution. However, the question of representation is too important to be buried. We must decide this question.

Mr. Brearley (New Jersey) – I am sorry that anyone would want to change the arrangement we have under the Articles of Confederation. This issue has already been discussed for far too long when we wrote the Articles. Perhaps some of you don't remember. But we decided at the time that each state is equal and independent – and that equal states should have equal votes. Let us be wise enough not to change a decision made after much consideration.

At first glance it may seem fair to give votes to states on the basis of their population. But, stop to think about this for a minute. Would it be fair to give Virginia 16 votes and Georgia only one? Would it be fair to give three large states, and you all know who they are, more votes than the rest of the country together?

Mr. King (Massachusetts) – I am really astonished to hear you. You are ready to sack our great plan for proportional representation, because of the single folly of these phantoms you call states. A government based on your principles of states' rights would be as shortlived as it is unjust.

Population in 1787	Free & Slave	Slave Only	Number of Votes Va. Plan	Mass. Plan
Virginia*	821,287	292,627	16	1
Massachusetts**	475,327	no slaves	9	1
Pennsylvania	434,373	3,757	8	1
North Carolina***	429,442	100,571	8	1
New York	340,120	21,000	6	1
Maryland	319,728	103,036	6	1
South Carolina	249,073	107,094	5	1
Connecticut	231,946	2,674	5	1
New Jersey	184,139	11,423	3	1
New Hampshire	141,885	158	3	1
Vermont****	85,425	no figures	2	1
Georgia	82,548	29,264	2	1
Rhode Island	68,825	948	1	1
Delaware	59,096	887	1	1

* Including Kentucky, 73,677
** Including Maine, 96,540
*** Including Tennessee, 35,691
**** Vermont was independent from the U.S.

Mr. Paterson (New Jersey) – I quite agree with my colleague from New Jersey. Proportionate representation would ruin the smaller states – it would make them powerless. Furthermore, this idea would go beyond the powers given to us as convention delegates. May I remind those who would destroy the Confederacy that we came here to amend it, not to write a new constitution. We don't want to open ourselves to charges that we are going beyond our authority. Our instructions reflect the opinions of the people within each state. These people did not send us to Philadelphia to set up a national government. We came here representing an alliance of equal states and we must leave here representing that alliance. Therefore, let us stick with the plan of giving each state one vote, as in the Articles. Let us not go beyond that. We must follow what the people want, and the people want a confederation of states, not a single nation. It is not up to the people to follow what we want.

Mr. King (Massachusetts) – I don't know what you are talking about. You are talking about these states as if they were separate bits of real estate. They are not self-governing. They do not possess the attributes of self-government. They are dumb, they can't speak to foreign countries; they are deaf, they can't hear and receive ambassadors from foreign countries. They cannot defend themselves in war. They only exist because they are part of a Union of States. And, this Union is now deciding what to do about itself, and the states that have no real existence without it.

Mr. Martin (Maryland) – I most heartily disagree. When we separated from England, we became 13 independent States, in a state of nature (having no government) toward each other. We would have remained in that state till this time, but for forming under the Articles of Confederation. We entered into that confederation on a footing of equality. We are now meeting to amend the Articles of Confederation on the same footing that we are all equal to each other. I will never give in to a plan that would put 10 states at the mercy of Virginia, Massachusetts, and Pennsylvania.

Mr. Wilson (Pennsylvania) – There is not much hope left for this confederacy. We aren't even able to collect our taxes. When it finally falls apart, some of the states are going to have to unite for their

own safety. We hope New Jersey will join us. If she decides not to join, good luck to her, but join together we will, with or without New Jersey.

Mr. Paterson (New Jersey) – There is no more reason that an individual state contributing much should have more votes than a small state contributing little, than that a rich citizen should have more votes than a poor citizen.

If you make the mistake of giving the large states an influence in proportion to their size, what will be the results? I'll tell you what the results would be. Their ambitions will be increased and the small states will have everything to fear.

Mr. Wilson (Pennsylvania) – Some people don't really believe in equality. They don't understand that governments are based on the consent of the people. The people are supreme. They are worth more than an artificial set of boundaries called New Jersey or Pennsylvania. It stands to reason that equal numbers of people should have equal representation and different numbers of people should have different representation. It is true that this principle was violated in the Articles of Confederation – but there was a war going on at the time the Articles were written. We did not have the time to hammer out this principle of equality over the objections of some of the smaller states who were selfishly defending their interests. We have the time now and we must make the right decision.

Mr. Dickinson (Delaware) – We would sooner admit to a foreign country than submit to be deprived of an equality of suffrage, in both branches of the legislature, and be thrown under the domination of the large states.

Mr. Wilson (Pennsylvania) – We are told by the honorable delegate from Delaware that each state is sovereign because it rules over its own people. And we are told that all the sovereign states are equal. But all states are composed of people who rule over themselves. These sovereign people are equals. They must retain that equality when it comes time for them to choose the men who will represent them in their government. Equal numbers of people must be entitled to send equal numbers of delegates.

Mr. Paterson (New Jersey) – I will oppose any plan for proportionate representation – I will oppose it here – I will oppose it when I get back to New Jersey – I will oppose it as long as there is breath in my body to fight against the scheme.

Mr. Wilson (Pennsylvania) – Let us not hear any more talk of refusing to go along with the Convention. If New Jersey will not part with her sovereignty, we cannot talk about government. Each state must give up some of its rights in order to create a true national government resting on the one foundation that government must rest upon – equal people with equal representation.

Dr. Franklin (Pennsylvania) – The diversity of opinions turns on two points. If a proportional representation takes place, the small states contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large states say their money will be in danger. When a broad table is to be made, and the edges (of planks) do not fit, the artist takes a little from both, and makes a good joint. In like manner here both sides must part with some of their demands, in order that they may join in some accommodating proposition.

Mr. Sherman (Connecticut) – It seems logical that some sort of compromise must be worked out. Why not have two branches of Congress or the legislature? In the first branch the vote can be given to states according to their population and in the second branch the vote can be given to each state equally. This way the small states would be able to protect themselves from the few large states who otherwise would rule the rest. This would be very similar to England, where the House of Lords has an equal vote in government with the House of Commons so that it can protect its rights.

Mr. Rutledge (South Carolina) – The proportion of votes in the first branch should be based on the monetary contribution of each state to the country as a whole. The justice of this rule cannot be

denied. We all know that money is power, and the states should have a say in government in proportion to their wealth.

Resolutions Before the Convention

1. That each state in Congress (and at the convention) have representation in proportion to population.
2. That each state in Congress have one vote.
3. That each state in Congress have two votes in a Senate and votes in a House of Representatives in proportion to their free population.

Chapter Questions

1. Identify or define and briefly tell the importance to this chapter of each of the following:
   - what large and small states thought of equality of suffrage
   - "explicit orders from Delaware"
   - "change with the creation of a national government"
   - "phantoms"
   - "ruin smaller states"
   - "footing of equality"
   - "hope for Confederacy"
   - "believe in equality"
   - "planks do not fit"
   - two houses or branches
2. Restate the issue before the convention, using your own words.
3. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (1) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.
4. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-word statement giving several strong arguments supporting his case. You will probably have to use arguments delegates with similar views made in their speeches. You should make references to things that have been discussed in class before.

   Or

   If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. Give the kind of speech you'd enjoy hearing. Practice the speech at home. You may borrow arguments from other delegates and make reference to things discussed in class.

   Or

   If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

CHAPTER 7: THE CONVENTION/LOCAL CONTROL VS. NATIONAL AUTHORITY

The Founders came to Philadelphia in order to expand on the powers granted the national government under the Articles of Confederation. There was general agreement among the Founders that the national government would not survive unless it was able to assess and collect taxes, stop the states from issuing money, stop interstate tariffs, enforce treaties, and raise an army. Many of the Founders did not wish to stop with these revisions. Some despaired of the states altogether and would have gladly reduced the states to powerless entities. Others guarded the rights and powers of the states.

The Debate

Colonel Hamilton (New York) – Two equal sovereign states cannot exist within the same boundaries. You cannot give powers to two governments over the same people. If you give powers to Congress and not to the state, you will have either a bad (I should say two bad) governments or no government at all. What is to be done? I hardly dare tell you because I am afraid that we do not yet have the courage to face the issue squarely. I am afraid that I might shock you and the public. But I must speak.

There is no reason to keep state governments the way we have them today. They are not necessary for any great purpose – neither for agriculture, commerce, revenue, or defense. Yes, they are necessary to administer laws, but not to make them. The states need not continue to have any great authority. We can all but abolish them and have one government for all the people of the country – one national government with states but administrative lines or jurisdictions for carrying out the laws which will be made equally for all the people. I hope I have not shocked you too much.

I have made my observations. Will they be accepted by the people? Not at the present. But if things keep going as they are under the Articles, it won't be long before the people see the need for unity and overcome their silly fondness for democracies. They will lose their prejudices and see the need for a strong government of the United States like the government England has.

Mr. Mason (Virginia) – I agree with the distinguished Colonel Hamilton of New York. We need a national government. But that does not mean we must abolish the state governments or make them absolutely insignificant. The states are as necessary as the national government and we must be careful to preserve them.

Mr. Wilson (Pennsylvania) – The danger, my friends, is not that the national government will swallow the States, but that the states will swallow the national. If the national government were to extend its power, the people would be no less free for it. A citizen of Delaware is not more free than a citizen of Virginia; nor would either be more free than a citizen of America. So no fatal consequence would result if the national government were to absorb the state governments.

Suppose, however, the reverse were to occur. Suppose the states were gradually to assert an independence from the national government. Gentlemen, that is why we have come to Philadelphia this hot summer – to prevent a recurrence of the problems currently experienced from too much state government.

Mr. Martin (Maryland) – Mason is absolutely right about the importance of the state governments. I would never consent to Colonel Hamilton's plan, and I understand it too well. We are making the national government stronger to protect the states. Let us not lose sight of that object.

When we separated from England, the American people decided to establish thirteen separate state governments instead of one national government. To these states they look for the safety of their lives, liberties, and properties. They formed the national government to defend the states against

foreign nations in case of war, and to defend the weaker states against the ambitious designs of the larger states. If we grant unnecessary power to the national government, we will defeat the original purpose of the Union. We should not give our protector, the national government, the power to swallow up the states which it is created to protect.

Colonel Hamilton (New York) – By abolishing the states, I do not mean that there will be no boundary between states and national government. I do not intend to turn the country into one unit under one government. There will still be states and state government. But I mean one thing. The national government must not be limited; it must have infinite authority. If we limited the national government, it would gradually get swallowed up by the states. We cannot allow that. Let the states exist, but let them exist as boundaries within which to carry out national law. Let us have one nation, not thirteen separate nations.

Mr. Lansing (New York) – It is proposed that the national legislature shall have a negative (veto) on the laws of the states. Is it conceivable that there will be leisure for such a task? There will be on the most moderate calculation, as many laws sent up from the states as there are days in the year. Will the members of the national legislature be competent judges? Will a gentleman from Georgia be a judge of the wisdom of a law which is to operate in New Hampshire? Such a veto would be more injurious than that of Great Britain before the Revolution.

Mr. Madison (Virginia) – I consider the veto on the laws of the states as essential to the security of the national government. The necessity of the national government rises from the desire of the states to follow their particular interests in opposition to the national interests. This desire will continue to disturb the system, unless it is effectively controlled. Nothing short of a veto on state laws will control it. Confidence cannot be put in state courts as guardians of the national authority and interests.

The power of vetoing the improper laws of the states is at once the most mild and certain means of preserving the harmony of the system. Its usefulness is sufficiently displayed in the British system. Nothing could maintain the harmony and the subordination of the various parts of the empire, but the right by which the Crown stifles in the birth every act of every part tending to disrupt the whole. It is true that the Crown has abused this power but we do not have the same reason to fear such abuse in our system. As to sending all the laws to the national legislature, that might be made unnecessary. The state could be given the power to put laws into effect immediately, if they are of great necessity.

Mr. Martin (Maryland) – This power is improper and entirely unadmissible. The states cannot be limited to passing legislation pleasing to the national legislature.

Mr. Sherman (Connecticut) – This whole thing is ridiculous. State courts will protect the authority of the Union. They will do the job of negating any state law which the national government would wish to veto.

Mr. Pierce (Georgia) – We are now met to remedy the difficulties under the Articles of Confederation, and our difficulties are great, but not, I hope, insurmountable. State distinctions must be sacrificed so far as the general government shall render it necessary – without, however, destroying them altogether.

Mr. Martin (Maryland) – From the best judgment I could form while at this convention, I've come to the opinion that ambition and interest have so far blinded the understanding of some of you people writing this Constitution that you are working only to erect a government from which you will benefit. And that you are completely insensitive to the freedom and happiness of the states and their citizens. I most honestly believe that your purpose is to totally abolish all the state governments, and build in their ruins one great extensive empire. You want this empire to raise its rulers and chief officers far above the herd of mankind, to enrich them with wealth, and to encircle them with honors and glory. This honor and glory will be won at the cost of humiliation and enslaving of the average citizens whose sweat and toil will be used to enrich these greedy men.

Resolutions Before the Convention

1. That the national government should have the power to make laws in all cases in which the harmony of the United States may be interrupted, and to veto all laws passed by the individual states that contradict or violate the Constitution.

2. That the national government should make laws binding on the people of the United States *only* in cases that clearly concern the common interests of the country, but otherwise should not interfere with the governments of the individual states.

Chapter Questions

1. Identify or define and briefly tell the importance to this chapter of each of the following:
   - general agreement
   - erasing boundaries
   - "two equal sovereigns"
   - "silly fondness for democracy"
   - "no more or less free"
   - "to protect states"
   - "Georgia be a judge of the wisdom"
   - veto on laws of states
   - British system
   - state courts
   - "sacrifice without...destroying"
   - "glory...cost...enslaving"
2. Restate the issue before the convention, using your own words.

3. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.

4. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-word statement giving several strong arguments supporting his case. You will probably have to use arguments delegates with similar views made in their speeches. You should make references to things that have been discussed in class before.

   Or

   If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. Give the kind of speech you'd enjoy hearing. Practice the speech at home. You may borrow arguments from other delegates and make reference to things discussed in class.

   Or

   If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

CHAPTER 8: THE CONVENTION/MAJORITY RULE VS. CHECKS AND BALANCES

The United States is known throughout the world as the first modern democracy. Most Americans believe that their leaders from earliest times believed in democracy the way we do today. That, however, was not the case. Many of the Founders actually expressed very hostile comments about democracy. Yet while they had reservations about the people's ability to "judge and determine right," they also believed that the people – not kings, nobles, church leaders, or God – had to be the ultimate source of all government power. The problem the Founders faced was how to base a government on the people who, they believed, were "uninformed and likely to be misled." The answer to this problem was to allow the people to vote, but to have a system of checks and balances on their power. Deciding on how much democracy and how many checks and balances was one of the most important issues at the convention.

The Debate

Mr. Madison (Virginia) – How long should we allow senators to hold office? In answering this question, we must consider the purpose of the senate. This is first to protect the people against their rulers, and secondly to protect the people against their own foolishness. An obvious precaution against this danger would be to divide the trust between different bodies of men who would be elected at different times and thus be able to watch and check each other.

In all civilized countries, the people fall into different classes having a real or supposed difference of interests. There will always be debtors and creditors, farmers, merchants, and manufacturers. There will be particularly the distinctions between the rich and the poor.

An increase of population over the ages will increase the number of those who labor under all the hardships of life and secretly sigh for a more equal distribution of its blessings. These may in time outnumber those who are placed above the feelings of comfort. According to the equal laws of voting, the power will slide into the hands of the poor. The symptom of their desire to divide riches among themselves has already been revealed in Shays' Rebellion. How is this danger to be guarded against in the future?

Let us establish a senate with nine-year terms for senators. Let it gain sufficient respect for its wisdom and virtue and let it thus act to protect the minority against oppression by the majority.

Mr. Sherman (Connecticut) – Mr. Madison forgets that government is instituted for those who live under it. It should, therefore, not be constructed in such a way to be dangerous to their liberties. The more permanent, the worse if it be bad government. Frequent elections are necessary to preserve the good behavior of rulers.

Colonel Hamilton (New York) – Gentlemen, may I speak frankly to you? The debates here are confidential, and I am certain you will not publish my personal opinions. I fear democracy and representative government, and I am not certain that a democracy can be established in our nation. We should hold up to ourselves the model set by Great Britain. Though it is not popular to admit this, we must acknowledge that the British have the wisest and best government in the world – one that unites public strength and individual security.

In every community in the civilized world, there will be divisions between the few and the many. Hence, separate interests will arise. There will be debtors and creditors, landed interests and landless, rich and poor. If we give all power to the rich, they will oppress the poor. Both, therefore, must have power to defend themselves against the other. Because we don't have this check on the many, we have our paper money laws and similar mischief we find in every state.

The British Constitution solves this problem. Their House of Lords is a most noble institution. Because they have nothing to gain from change, they form a permanent barrier against every foolish plan, whether attempted by the Crown or the Commons. No temporary Senate in our country will be firm enough to serve this purpose. We need a permanent body of men who will serve in the Senate for life, like the Lords.

As to the executive, it must be admitted that no good one can be established under democratic principles. The English model is a good one here, too. A hereditary king has his interests so interwoven with the interests of the Nation, that there is no danger of him being corrupted from abroad or dependent and controlled at home.

We ought to go as far as possible toward insuring stability and permanence at home. Let one branch of the legislature hold office for life or at least during good behavior. Let the executive also be for life.

Is this democratic government you will ask? Yes, if all the officeholders are appointed and vacancies are filled by the people, or through a process of election originating with the people.

General Pinckney (South Carolina) – The Senate must represent the wealth of the country. Let it therefore be composed of wealthy persons. We can assure this if we do not pay the senators; only the rich could afford to serve.

Mr. Langdon (New Hampshire) – We should have the president elected by electors, not by the people directly. But, we should remember we are writing a constitution for future generations and for the people. Too many exclusions would make this system unacceptable to the people.

Mr. Gerry (Massachusetts) – Let us be sure that senators are not selected by the people. The people are uninformed and are likely to be misled. Let the state legislatures choose the senators and let the president of the United States be chosen by electors rather than voters.

Mr. Madison (Virginia) – It is a fundamental principle of free government that the legislative, executive, and judiciary powers should be separate. The executive must therefore be independent of the legislators. It is essential then that the appointment of the executive should be drawn from some source or held in some manner that will make him independent of the legislature. This could not be if he were appointed from time to time by the legislature.

Mr. Wilson (Pennsylvania) – It seems evident that the executive should not be appointed by the legislature unless he is made ineligible for a second time. I am glad to see that the idea is gaining ground that the people themselves, or electors chosen by the people, should elect the executive.

Mr. Morris (Pennsylvania) – The president should be elected by the people at large, by the freeholders* of the country. It's true that this will cause difficulties. But they have proven to be surmountable in New York and in Connecticut. I believe it would work for the United States as well. If the people have the chance to elect a president, they will never fail to prefer some man of distinguished character or services. If the legislature elects the president, it will be the work of intrigue or a faction; it will be like the election of a pope by the cardinals of the Church.

Mr. Mason (Virginia) – The people should not be trusted to elect a president. It is as unnatural to have the people elect the president as it would be to refer a trial of colors to a blind man. The size of this country makes it impossible that the people can have the ability to judge of the various claims of the candidates for president.

*Freeholder – man who owned property free and clear of debts and mortgages.

Mr. Gerry (Massachusetts) – That the executive should be independent of the legislature is a clear point. The longer the duration of his appointment, the more his dependence on the legislature will be diminished. It will be better for him to continue 10, 15, or even 20 years and be ineligible afterwards.

Mr. King (Massachusetts) – Say 20 years. That's the average life of a king.

Mr. Wilson (Pennsylvania) – My opinion remains unshakeable that we ought to resort to the people for election.

Mr. Sherman (Connecticut) – The people should have as little to do as may be about the government. They lack information and are constantly misled.

Mr. Ellsworth (Connecticut) – The people will not readily accept the national constitution if it should deprive them of the vote. The states are the best judges of who among their people should have the right to vote.

Mr. Dickinson (Delaware) – The freeholders are the best guardians of liberty in the country. It is necessary to restrict the vote to them as a defense against the dangerous influence of the hordes of ignorant men devoid of principle and property.

Mr. Gorham (Massachusetts) – I know of no cases anywhere that they allowed freeholders to vote that it caused any problems. The elections in Philadelphia, New York, and in Boston where the mechanics vote are at least as good as those made by freeholders only. The people have been long accustomed to this right in various parts of American, and will never allow it to be abridged. We must consult their customs if we expect their support in our work.

Mr. Morris (Pennsylvania) – Give the votes to people who have no property and they will sell them to the rich who will be able to buy them. We should not think only of the present time. The time is not too distant when this country will be filled with propertyless workers, laborers, who will receive their bread from their employers. Will such men be safe and faithful protectors of liberty? Will they protect against a monied aristocracy? I am a little confused by the words "taxation and representation." The man who does not give his vote freely is not represented. It is the man who dictates the vote.

Children do not vote. Why? Because they lack the sense, because they have no will of their own. The ignorant and the dependent can be as little trusted with the common interest.

Mr. Madison (Virginia) – Let's view the subject on its merits alone. The freeholders of the country are the safest guardians of Republican liberty. In future times a great majority of the people will not only be without land, but any other sort of property. These will either combine under the influence of their common situation (if they have the vote) or will become the dangerous tools of ambitious men who buy their votes.

Dr. Franklin (Pennsylvania) – We should not underestimate the honesty and public spirit of our common people. They displayed a great deal during the war and contributed principally to winning it. I think we can trust the common man in America to vote intelligently and not sell his vote.

In any case, the elected do not have the right to take the vote from the electors. Let me quote the British law setting forth the danger of unruly meetings, and with that excuse, reducing the voting rights to persons having freeholds of a certain value. This law as soon followed by another, subjecting the people who had no votes to certain labors and great hardships.

I am persuaded also that such restrictions as were proposed would give great cause for concern in the states. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of the description.

Mr. Gerry (Massachusetts) – The evils that we experience (in government) flow from the excess of democracy. The people do not lack virtue, but are the dupes of pretended patriots. In Massachusetts, it has been fully confirmed by experience that they are daily misled into the most wicked measures and opinions by false reports circulated by designing men, and which no one on the spot can refute. I have once been for a representative government and I am still for a representative government, but I have been taught by experience the danger of the leveling (democratic) spirit.

Questions and Resolutions Before the Convention

1. Who should be allowed to vote?
   a. All men and women age 18 and over.
   b. All free men.
   c. Only freeholders.

2. How should the president be elected?
   a. The president should be elected by the voters.
   b. The president should be elected by Congress.
   c. The president should be elected by special electors, appointed for that purpose by the state legislatures.

3. What should be the length of terms and should reelection be allowed?
   a. President every 2 years; Senators for 4. Unlimited reelections.
   b. President every 6 years; Senators for 6. Unlimited reelections.
   c. President every 7 years; Senators for 9. No reelections.

Chapter Questions

1. Identify or define and briefly tell the importance to this chapter of each of the following:
   - problems faced by Founders
   - purpose of the Senate
   - "secretly sigh for a more equal..."
   - why the British system was seen as good
   - independent executive
   - New York and Connecticut
   - size of the country
   - freeholders
   - sell votes
   - honesty of common people
   - "evils that we experience"
2. Restate the issue before the convention, using your own words.
3. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.

4. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-word statement giving several strong arguments supporting his case. You will probably have to use arguments delegates with similar views made in their speeches. You should make references to things that have been discussed in class before.

Or

If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. Give the kind of speech you'd enjoy hearing. Practice the speech at home. You may borrow arguments from other delegates and make reference to things discussed in class.

Or

If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

CHAPTER 9: THE CONVENTION/THE BILL OF RIGHTS

The rights of the people were never defined under the Articles of Confederation. The national government, with no independent executive or judicial branch, did not have the power to take away the people's rights. Most states protected their citizens with their own bills of rights.

Now that the delegates were considering a more powerful and effective government, the protection of individual liberties from the national government became an important issue. Ironically, it was not seriously considered until the closing days of the convention. The issue of a bill of rights became much more important after the convention closed. Below are excerpts from the brief debate over the Bill of Rights at the convention, interspersed with quotes from speeches given and an article written after the convention.

The Debate

Mr. Williamson (North Carolina) – No provision has yet been made for a jury in civil cases. I think it is necessary that we protect the right of trial by jury.

Mr. Gorham (Massachusetts) – I think you can trust the representatives of the people to protect their rights to jury trials.

Mr. Gerry (Massachusetts) – Judges can be corrupted. It is necessary to guard the right of jury trials. Let us appoint a committee to provide a clause that would secure trial by juries.

Mr. Mason (Virginia) – Let us lay down the general principle that right of trial by juries be protected. But let us go beyond that. This entire Constitution needs to be prefaced by a bill of rights. This would reassure the people of the states that we do not intend to destroy their liberties. Such a bill could be drawn up in a few hours, for various states already have similar declarations which could be used as models.

Mr. Sherman (Connecticut) – I am as much in favor of protecting the people's rights as any man, when necessary. But the state declarations of rights are not repealed by this Constitution, and they are sufficient to protect the people.

Mr. Mason (Virginia) – In our new Constitution, the laws of the United States will override the state bill of rights. So, let us establish a committee to prepare a bill of rights.

I would second a motion if made for that purpose. It would give great quiet to the people by reassuring them that we are concerned with their rights. By consulting the state constitutions, a bill of rights might be prepared in a few hours.

Mr. Wilson (Pennsylvania) – It appears from the example of other states, as well as from principle, that a bill of rights is neither an essential nor a necessary tool in forming a system of government, since liberty may exist and be as well protected without it. It is not only unnecessary, but also found to be impractical – for who would be bold enough to undertake to list all the rights of the people? And when the attempt to list them is made, it must be remembered that if the list is not complete, everything not expressly mentioned will be assumed to be purposely omitted.

Mr. Mason (Virginia) – There is no declaration of rights in the Constitution, and the laws of the national government, being superior to the laws and constitutions of the various states, the declaration of rights in the separate states are no security to the people.

Under the interpretation in this convention of the general clause at the end of the listing of powers granted Congress, Congress may grant monopolies in trade and commerce to particular individuals, define new crimes, inflict unusual and severe punishments, and extend their power as far

as they think proper. Thus, the state legislatures have no security for the powers now assumed to remain with them; nor are the rights of the people protected.

Colonel Hamilton (New York) – A bill of rights is not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a usable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?

On the subject of the liberty of the press – as much has been said, I cannot refrain from adding a remark or two. In the first place, I notice that there is not a syllable concerning it in the constitution of this state; in the next I argue that whatever has been said about it in the constitution of any other state, amounts to nothing. What is the meaning of a declaration, that "the liberty of the press shall be preserved?" What is the liberty of the press? Who can give it any definition which would not leave much room for evasion? I believe it to be impractical to define liberty of the press or to protect it in any constitution. Liberty of the press must depend altogether on public opinion and the general spirit of the people and of the government. And here, after all, must we seek for the only solid basis of all our rights.

General Pinckney (South Carolina) – At one point I thought we should have some declarations in the Constitution on trial by jury, and the freedom of the press, and I still think it would have been well to have them inserted. But, I understand the arguments that have been presented here and think that it is not essential to include them.

Mr. Martin (Maryland) – The more this convention advances the more impressed I am of the need of not merely attempting to protect a few rights, but of forming a complete bill of rights, which would be placed at the beginning of the Constitution, to serve as a barrier between the national government and the respective states and their citizens. The more the Constitution advances toward completion, the more clearly it appears to me that the writers of it do not consider that either states or men have rights at all; or that they mean to protect the enjoyment of any to either the one or the other. I have said it before and it's true today: as a group you are completely insensitive to the freedom and happiness of the states and their citizens. You are only interested in building an empire, enslaving the common man, and putting yourselves on top of the heap.

Resolutions Before the Convention

1. A bill of rights shall be drawn up for inclusion in the Constitution.

2. No bill of rights needs to be included in the Constitution.

3. The following rights should be included in the Constitution: (a) liberty of the press, and (b) trial by jury in civil cases. Delegates should list all others they think necessary.

Chapter Questions

1. Identify or define and briefly tell the importance to this chapter of each of the following:

   - no power to take rights away
   - not seriously considered until the end of the convention
   - "trust the representatives"
   - "in a few hours"
   - state declarations
   - "impractical"

- "general clause at the end of the listing of powers"
- "liberty of the press"
- public opinion as a means of protecting rights
- "building an empire"

2. Restate the issue before the convention, using your own words.

3. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (1) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.

4. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-word statement giving several strong arguments supporting his case. You will probably have to use arguments delegates with similar views made in their speeches. You should make references to things that have been discussed in class before.

   Or

   If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. Give the kind of speech you'd enjoy hearing. Practice the speech at home. You may borrow arguments from other delegates and make reference to things discussed in class.

   Or

   If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

CHAPTER 10: THE CONVENTION/SLAVERY AND THE SLAVE TRADE

No issue has so divided Americans as slavery. It was entirely predictable that the question would be raised during the convention, as it had been raised eleven years before in the Continental Congress. Thomas Jefferson had included a condemnation of the slave trade in the accusations, listed in the Declaration of Independence, against King George. Jefferson's Southern colleagues, however, objected to this insult to their "peculiar institution" and forced Jefferson to strike out the offending clause.

A similar debate on slavery occurred during the constitutional convention. At that time there were 3/4 million slaves in the states. One out of five Americans was a slave. Virginia and Maryland had banned further importation. The natural increase in slave population due to the surplus of births over deaths was sufficient to meet the need for slaves in Virginia and Maryland. South Carolina and Georgia were still bringing blacks in from Africa. Many were sent to the western part of these states, where they were in great demand. The slave death rate in the sickly rice swamps was high. Replacing the dead with cheap imports was profitable.

The issue in 1787 was not only slavery. It was also union. Many Southern delegates declared themselves opposed to the new Constitution should it ban the slave trade, let alone slavery. Other Southerners (most notably the Virginia delegation) expressed anti-slave views and did not object to abolishing the slave trade. Their state legislature had already taken this step.

The Debate

Mr. Martin (Maryland) – Slaves (through the danger of insurrection) weaken one part of the Union, which the other parts are pledged to protect. The privilege of importing slaves is therefore unreasonable. Furthermore, it is inconsistent with the principles of the American Revolution and dishonorable to the American character to continue the slave trade. I say abolish it.

Mr. Rutledge (South Carolina) – I for one am not afraid of slave rebellions, and I would gladly exempt the other states from the obligation to protect the South against them. Religion and humanity have nothing to do with the question of importing slaves. Interest alone is the governing principle with nations. The true question at present is whether the Southern states shall or shall not be parties to the Union. If the Northern states consult their interest, they will not oppose the increase of slaves, which will increase the number of goods which they will ship.

Mr. King (Massachusetts) – The continued admission of slaves is a most grating circumstance to my mind and to most of the people in America. One part of the Union is pledged to protect another. Why should the North agree to protect the South, when it is free to increase the danger by continuing importation of slaves?

Mr. Baldwin (Georgia) – I thought that this Constitution would deal only with things of national importance. Slavery is local in nature. You must also remember that we are far away from the center of this Union. Our distance will prevent us from enjoying all the advantages of this new government. So, you must understand how we will view surrendering one of our favorite available opportunities. We may eventually decide to end slavery in this state. We even have people in the state who carry their belief beyond the equality of men to the equality of the whole animal creation.

Mr. Langdon (New Hampshire) – I think it best that we now give the power to end the slave trade to the general government. I cannot see leaving this power with the states. They'd go on with this bloody business forever if not restrained with the opinions given here.

Mr. Ellsworth (Connecticut) – Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states themselves. What enriches a part of the Union enriches the whole, and the states are the best judges of their particular interest. The old government under

the Articles of Confederation has not meddled with this point, and I see no great necessity for us to start meddling today.

General Pinckney (South Carolina) – South Carolina can never join the Union if it prohibits the slave trade. In every proposed extension of the powers of Congress, that state has expressly and watchfully excluded the meddling with the importation of Negroes. If the states all be left alone on the question of prohibiting the importation of slaves, South Carolina may perhaps by degrees herself do what Virginia and Maryland have already done. But South Carolina will never consent to being forced to stop importing slaves.

Mr. Mason (Virginia) – This immoral traffic in slaves started in the greed of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the slave importing states alone, but the whole Union. Maryland and Virginia have already banned the importation of slaves outrightly, and North Carolina has all but done the same. All this would be in vain if South Carolina and Georgia are at liberty to import slaves. The western people are already calling out for slaves for their new lands, and will fill that country with slaves if they can get them through South Carolina and Georgia.

Slavery discourages arts and manufacturers. The poor hate labor when performed by slaves. Slaves prevent the immigration of whites who really enrich and strengthen a country. They produce the most terrible effect on morals. Every master of slaves is born a petty tyrant. Slaves bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, fate punishes national sins by national disasters.

I sorrow that some of our New England brothers had, from a lust for gain, started this evil traffic. I hold it essential in every point of view, that the general government should have power to prevent the increase of slavery.

Mr. Ellsworth (Connecticut) – I, unlike Colonel Mason, have never owned a slave and cannot be a judge of the effects of slavery on character. If it (slavery) were to be considered in a moral light, we ought to go further and free those already in the country. Slaves multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps, foreign supplies are necessary. Let us not be unjust towards South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plentiful as to make slaves useless. Slavery, in time, will not be a speck in our country.

General Pinckney (South Carolina) – It is my firm opinion that my and my colleague's personal influence could not get the Constitution ratified if it contained a clause prohibiting the slave trade. You have your choice. You can abolish the slave trade and lose South Carolina, Georgia, and I don't know how many other Southern states, or you can remain silent on the subject and keep these states in the Union.

South Carolina and Georgia cannot do without new slaves. As to Virginia, she will gain by stopping the importations. Her slaves will rise in value and she already has more than she wants. It would be unfair to require South Carolina and Georgia to join the Union on such unequal terms.

The importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ merchants and seamen, the more consumption also, and the more revenue for the common treasury.

Mr. Sherman (Connecticut) – I cannot say that I agree with the slave trade. I thoroughly disapprove of it. But we must remember we are writing a Constitution of which the states must approve. The slave trade is now permitted to the states. The public good does not require that we take this right away from the states. So, it is best that we leave this matter as we found it.

The abolition of slavery is proceeding in several of the states. Let us leave this matter in the good sense of the several states who will undoubtedly proceed with abolition on their own.

Mr. Dickinson (Delaware) – It is inadmissible on every principle of honor and safety that the importation of slaves should be authorized to the states by the Constitution. The true question is whether the national happiness would be promoted or hurt by the importation of slaves and this question must be decided by the national government, and not by the states particularly interested in slavery. England and France permit slavery, but exclude the importation of slaves from their kingdoms. History teaches us that Greece and Rome were made unhappy by their slaves. I cannot believe that the Southern states will refuse a Constitution which prohibits their importation of slaves.

Mr. Williamson (North Carolina) – We in North Carolina do not directly prohibit importation of slaves. But we tax such importation. You should realize this is a matter for Southern states to work out for themselves. The Southern states will not join the Union if you prohibit the slave trade. It is wrong to force anything down the throats of states.

Resolutions Before the Convention

1. The migration or importation of slaves should not be prohibited by Congress prior to 1808.
2. The migration or importation of slaves should not be prohibited by Congress.
3. The migration or importation of slaves should be hereby prohibited.
4. Congress should have the power to abolish slavery.

Chapter Questions

1. Identify or define and briefly tell the importance to this chapter of each of the following:
    - 3/4 million
    - rice swamps
    - danger of insurrections
    - "principles of the American Revolution"
    - "increase the danger"
    - "local in nature"
    - disadvantages of slavery
    - New England's "lust for gain"
    - "effects of slavery on character"
    - South Carolina and Georgia
    - "more produce to employ..."
    - "increase national happiness"
2. Restate the issue before the convention, using your own words.
3. Take notes on the reading covering the convention debate. Make sure that you have understood each of the speeches. You should be able to figure out: (a) what the person is saying, (b) how he is supporting his point, (c) whether or not you agree with him and why.

4. If your delegate has a position on the issues in this debate, summarize this position in not fewer than 20 words. Then write a 100-word statement giving several strong arguments supporting his case. You will probably have to use arguments delegates with similar views made in their speeches. You should make references to things that have been discussed in class before.

   or

   If it is your turn to make a speech, write a really strong speech (of 200-250 words), showing why you think the issue is important and why people should agree with you. Use dramatic flourishes, humor, and analogies. Give the kind of speech you'd enjoy hearing. Practice the speech at home. You may borrow arguments from other delegates and make reference to things discussed in class.

   or

   If your delegate does not have a position on this issue, come to class ready to be convinced or to make a deal.

CHAPTER 11: THE CONSTITUTION

"One of the most wonderful works ever struck off at a given time by the brain and purpose of man." This is how a British leader described the U.S. Constitution 100 years ago. This statement is typical of the high praise the Constitution has received over the past two centuries.

What has made the Constitution so great was that it created a government suited for America. It solved many of the major problems before the convention, in a manner acceptable to most Americans. It established the framework for a government that has lasted for 200 years. The delegates wrote a document that was so flexible it could be adopted to new times and conditions. That is why the Constitution, written in the horse-and-buggy era, serves in the age of jet travel.

Some changes have been necessary. The Constitution allowed these changes to be made in an orderly and peaceful way. Many changes were made by adding amendments, but the Constitution has been altered at least as much by changes in the interpretation of key words and phrases.

The convention delegates also provided a valuable service by writing a comparatively short and simple document. While some city charters run on for almost 100 pages, the Constitution is only a few pages long. Because it is short and clear, the Constitution can be read and understood by most Americans. This chapter presents the entire Constitution, with the original wording in the lefthand column and a short explanation to help you understand the Constitution in the righthand column.

Reading the Constitution

The Constitution, like a book, follows a clear and sensible organization. The seven major sections, called articles, are like chapters in a book. Each article deals with a specific part of the government established under the Constitution. These are:

Preamble (Introduction)
Article I. The Legislative Branch
Article II. The Executive Branch
Article III. The Judicial Branch
Article IV. Relations Among the States
Article V. Amending the Constitution
Article VI. Federal Supremacy
Article VII. Ratification of the Constitution
Amendments

The Constitution	Explanation
The Preamble	
	The introduction, or Preamble, states the purpose of the Constitution.
We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.	Its purpose was to form a more perfect nation than had existed under the Articles of Confederation. The delegates started by writing, "We the people" instead of "We the States." That means the Constitution was drawn up by men representing the people rather than the states. Under the Articles, it was states that were represented. The purposes of the new government were to establish justice for all people living in the country; to bring about peace by putting down disorders such as Shays' Rebellion;

The Constitution	Explanation
	to provide for the "common defense" against Indians and foreign countries; to "promote the general Welfare" by increasing trade; and to obtain the "Blessings of Liberty" by establishing a government that would protect the rights the people enjoyed at the time. Each of the ideas in the Preamble reflected the thinking of the delegates in 1787. Today, nearly 200 years later, these ideas have taken on a different meaning. For example: to "establish Justice" has come to mean to protect the rights of minorities; to "promote the general Welfare" has come to mean to aid the unfortunate, such as the unemployed and disabled. As it did in 1787, the Preamble gives the overall meaning of the Constitution. Specific phrases of the Constitution should be read with the Preamble in mind. The expanded meaning of the Preamble, therefore, also changes the way we would understand the meaning of the Constitution today.

Article I. The Legislative Branch

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Congress is given the right and power to make the laws for the nation. Congress consists of a Senate and a House of Representatives.

The House of Representatives

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Members of the House of Representatives are to be elected every two years. The states can decide who may vote.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Members of Congress must be 25 years old, citizens of the United States for 7 years, and residents of the states they represent.

Each state is entitled to one representative for every 30,000 people. A census shall be taken every ten years to count the number of people in the state. Slaves shall count as three-fifths of a person in deciding the number of residents for this purpose.*

*Changed by Amendment XIV

The Constitution	Explanation
Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall be Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.	In the first Congress, New Hampshire shall have three representatives, Massachusetts eight, Rhode Island one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three. Today each state has approximately one representative for every 500,000 voters.
When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.	State governors shall direct calling of elections to fill vacancies in the House.
The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.	The House of Representatives shall choose its own speaker and other leaders. It shall vote on Bills of Impeachment.
SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.	**The Senate** Each state shall have two senators who will serve for six years. Senators will have one vote. They will be elected by their state legislatures.*
Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth year, and of the third Class at the Expiration of the sixth year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive	The senators will be divided into three classes. The first class will serve for six years, the second for four, the third for two. After that every senator will serve for six years.

*Changed by Amendment XVII

The Constitution	Explanation
thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.	
No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.	Senators must be at least 30 years old, citizens for 9 years, and residents of the states they represent.
The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.	The vice president of the United States shall be president of the Senate. He can only vote in the case of a tie.
The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of the President of the United States.	The Senate can choose its other officers.
The Senate shall have the sole Power to try all Impeachments. When sitting for that purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the Concurrence of two thirds of the Members present.	The Senate shall act like a court to try all cases of impeachment. Two-thirds of those senators present must vote guilty for a conviction.
Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.	Punishment for those found guilty in impeachment cases is removal from office. They may not hold other offices in the United States, but may be tried and punished according to the law.
SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each state by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of Chusing Senators.	**Elections and Meeting of Congress** The time, place, and manner of election for Senate and House shall be decided by each legislature, but may be changed by Congress, except for the place of choosing Senators.
The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December unless they shall by Law appoint a different Day.	Congress must meet at least once every year. Unless they decide otherwise, the first meeting of the year shall be the first Monday of December.*

*Changed by Amendment XX

The Constitution	Explanation
SECTION 5. Each House shall be Judge of the Elections, Returns and Qualifications of its own members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent members, in such Manner, and under such Penalties as each House may provide.	Each house of Congress is judge of its own elections and qualifications; a quorum is 50 percent of the members. Each house can make its rules for proceeding and requiring attendance, must keep a journal, record all votes, and cannot adjourn for more than three days without consent of the other house.
Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.	
Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.	Each house shall keep and publish a journal; parts requiring secrecy do not have to be published. The votes for or against shall be recorded if one-fifth of the members present desire it.
Neither House, during the Session of Congress, shall without the Consent of the other adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.	Neither house shall adjourn or relocate its meetings for more than three days unless the other house agrees.
SECTION 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.	**Privileges and Restraints of Congress** Senators and representatives shall be paid for their services. Except for extreme cases, they shall be free from arrest while serving in Congress. Neither must they be forced to answer in court for what they say in official debate on the floor of Congress.
No Senators and Representatives shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased, during such time; and no Person holding any Office under the United States shall be a Member of either House during his continuance in Office.	Neither senators nor representatives may take offices that were created while they served in Congress or for which they increased the salary.

The Constitution	Explanation
SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other bills.	**How Laws Are Made** Bills to raise money must start in the House of Representatives. However, the Senate may make amendments.
Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.	Before any bill can become a law, it must be passed by both the House and the Senate and signed by the president. If both houses pass a bill over the objections of the president with a two-thirds vote of their members present, the bill becomes a law. If a president fails to object to a bill within ten days after he has received it, it becomes a law without his signature, unless Congress has adjourned in the meantime.
Every Order, Resolution, or Vote to which to Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.	A joint resolution, like a declaration of war, becomes a law in the same manner as a bill. It may be vetoed by the president in the same manner.
SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;	**Powers Given to Congress** Congress has the power to: 1. impose and collect taxes, excises (includes processing tax), and duties (includes tariffs).

The Constitution	Explanation
To borrow money on the credit of the United States;	2. borrow money.
To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;	3. regulate trade with foreign countries, among the states, and with Indian tribes.
To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;	4. establish rules for naturalization and for bankruptcy.
To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;	5. coin money and fix a standard of weights and measures.
To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;	6. provide for punishing counterfeiting.
The establish Post Offices and post Roads;	7. establish post offices and post roads.
To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;	8. protect the inventions and writings of inventors and authors through copyright laws.
To constitute Tribunals inferior to the Supreme Court;	9. establish courts under the Supreme Court.
To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;	10. punish piracy and other offenses on the high seas against international law.
To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;	11. declare war and make rules for capturing enemy ships.
To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;	12. raise and support armies, but not grant money to military for more than two years at a time.
To provide and maintain a Navy;	13. provide and support a navy.
To make Rules for the Government and Regulation of the land and naval forces;	14. make rules for the armed forces on land and sea.
To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;	15. provide for calling the state militia (now National Guard) to enforce the nation's laws, put down rebellions, and repel invasions.

The Constitution	Explanation
To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;	16. organize, arm, control, and govern the state militia, but the states shall appoint officers and train the militia.
To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, be Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; – And	17. make laws for an area or territory established for the purpose of becoming the nation's capital.
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.	18. make all laws needed to carry out the above and all other powers in the Constitution.
SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.	**Powers Denied Congress** Congress may not prevent the further importation of slaves until 1808, but may place a tax on such importation of not more than $10.00 per person.
The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.	Neither Congress nor the president may keep people in jail without their knowing the reason for their confinement, except in cases of rebellion or invasion.
No Bill of Attainder or ex post facto Law shall be passed.	Congress may not punish anyone without a trial by jury or pass a law punishing a person for an act that was legal before the law was passed.
No capitation, or other direct, Tax shall be laid unless in Proportion to the Census or Enumeration herein before directed to be taken.	No taxes shall be placed except in proportion to Population.*

*Changed by Amendment XVI

The Constitution	Explanation
No Tax or Duty shall be laid on Articles exported from any State.	No tax shall be placed on goods sent out of any state.
No preference shall be given by any Regulation of Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.	No preference shall be given to any ports, nor shall ships bound from one state to another have to pay taxes.
No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.	Only money appropriated by Congress may be drawn from the Treasury.
No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.	Congress may not grant titles to anyone; nor may any officer of the government receive special grants from any foreign person or government without Congress' consent.
SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.	**Powers Denied State Governments** States may not make treaties with foreign countries, coin or print money without gold or silver to back it up, or in other ways scale down debts. Nor may they pass a bill of attainder, *ex post facto* law, or grant a title of immunity.
No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.	Without Congress' consent (except under carefully restricted conditions) states may not tax imports or exports.
No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.	Without Congress' consent, no state may raise an army or navy, enter into contracts with other states or with foreign countries, or engage in war, unless invaded or about to be invaded.

Article II. The Executive Branch

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and, together with the Vice-President, chosen for the same Term, be elected, as follows:

President and Vice-President

The power to enforce laws belongs to the president of the United States. He shall be chosen for a four year term, along with a vice-president, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Each state shall appoint a number of electors equal to the number of representatives and senators to which it is entitled.

The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two

The electors shall meet in their states and vote for two people for president. A record of the votes shall be sent to the Senate. The votes shall be counted in the presence of the senators and representatives. The person with the greatest number of votes shall be the president; the person with the second greatest number shall be vice-president. If no one person has a majority of votes, the president shall be elected by members of the House of Representatives, but each state shall have one vote. The candidate with the majority of states will become president; the candidate with the second largest number of states will become vice-president.*

*Changed by Amendment XII

The Constitution	Explanation
or more who have equal votes, the Senate shall chuse from them by Ballot the Vice-President.	
The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.	Congress may decide the day on which electors shall be chosen and the day on which they vote.
No person except a natural-born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five years, and been fourteen Years a Resident within the United States.	To become president, a person must be 35 years old, have been born in this country, and lived here for 14 years.
In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the disability be removed, or a President shall be elected.	If the president dies, resigns, or cannot carry out his duties, the powers and duties of the office go to the vice-president. Congress can pass a law saying who receives these powers if both the president and vice-president die, resign, or are unable to perform.*
The President shall, at stated Times, receive for his Services a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.	The president shall receive a salary, which may not be increased or reduced during any term he serves.
Before he enters on the execution of his Office, he shall take the following Oath or Affirmation: – "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will, to the best of my Ability, preserve, protect, and defend the Constitution of the United States."	The president must swear to do his best to carry out the law and to preserve, protect, and defend the Constitution.

*Modified by Amendment XXV

The Constitution	Explanation
SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.	**The President's Powers** The president is commander-in-chief of the army and navy and of the militia, while it is in national service. He may require his chief officials (cabinet) to give him their opinions on carrying out their duties and may grant pardons, except in cases of impeachment.
He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.	The president may make treaties, but two-thirds of the Senate present must agree. He may appoint ambassadors, Supreme Court justices, and other officers of the government, with the advice and consent of the Senate. Congress, however, may give the power to appoint other officials to the president alone, the courts, or department heads.
The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.	The president may fill all vacancies that may occur during the time the Senate is not is session, but these terms expire at the end of the next session.
SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.	**The President's Duties** The president shall occasionally inform Congress on the state of the nation and recommend laws he thinks are necessary. He may call special sessions of Congress. He shall receive ambassadors from foreign countries. He shall take care to see that the laws are faithfully and correctly carried out.

The Constitution	Explanation
SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.	**Impeachment of the President** The president and all officers under the U.S. government may be removed from office if accused and found guilty of treason, bribery, or other high and minor crimes.

Article III. The Judicial Branch

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.	**The Federal Courts** The power to try crimes under the Constitution is given to the Supreme Court and to such lower courts as Congress may establish.
SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and treaties made, or which shall be made, under their Authority;—to all Cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.	**Acts Covered by the Courts** The Supreme Court and others established by Congress may hear all cases arising under the Constitution, the laws of the United States, or treaties made by it. It may hear all the cases affecting ambassadors, etc., to cases involving the seas, and controversies involving states, their citizens, or foreign citizens.
In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.	The Supreme Court has original jurisdiction over cases which involve ambassadors, etc. or a state. Other cases may go to the Supreme Court by appeal from a lower court, if Congress provides for lower courts (which it has).

The Constitution	Explanation
The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.	All other persons accused of a crime under federal law may have a trial by jury, but may, if they wish, give up this right.
SECTION 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.	**Treason** Treason is defined as waging war against the United States, or giving aid and comfort to its enemies. A person can be convicted of treason only if two witnesses testify to the same action, or if the accused confesses in open court.
The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.	Congress can declare the punishment for treason, but the punishment cannot apply to the heirs of the guilty person.

Article IV. Relations Among the States

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.	**Official Acts** Official acts in one state, such as wills, corporation charters, and court decisions, must be respected in all other states.
SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.	**State's Duties to Each Other** A citizen of one state may not be discriminated against by another state.
A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the crime.	A person who has fled from one state to escape justice, must be returned to that state.
No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.	Escaped slaves must be returned to the states from which they escaped.*
	*Changed (as pertaining to escaped slaves) by Amendment XIII.

The Constitution	Explanation
SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.	**New States and Territories** Congress may admit new states to the Union. New states may be carved out of old states, only if the state legislature and Congress agree.
The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.	Congress may make rules and regulations for territories and for other property of the United States.
SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.	**Guarantees against Invasion, Dictatorship, and Violence** The U.S. shall guarantee all states a representative form of government, protection against invasion, and (if requested by its legislature or, if the latter is not in session, by the state's governor) revolution.

Article V. Amending the Constitution

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.	The Constitution can be amended whenever two-thirds of both houses of Congress propose an amendment and three-fourths of the state legislatures ratify it. The Constitution also may be amended by a convention called by the legislatures of two-thirds of the states and then ratified by three-fourths of the state legislatures.

The Constitution	Explanation

Article VI. Federal Credit and Federal Supremacy

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Public Debts

All debts good against the government under the Articles of Confederation must be paid under this Constitution.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Supremacy of the Constitution

The Constitution and both the laws and treaties made under it are the supreme law of the land, notwithstanding any state laws to the contrary.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation to support this Constitution; but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States.

Oaths of Office

All officers of the government must be committed by an oath to uphold the Constitution. They may not be required to take a religious test or meet a religious qualification.

Article VII. Ratification of the Constitution

This Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

This Constitution will go into effect as soon as it is ratified by conventions in nine states.

Amendments to the Constitution

Amendment I. Freedom of Expression (1791)*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Congress may not make a law either establishing a religion or preventing people from practicing theirs. Nor shall Congress prevent freedom of speech, press, peaceably assemble, or the right to express complaints against the government.

*The first ten amendments, known as the Bill of Rights, were passed by Congress in September 1789 and ratified by December 1791.

The Constitution	Explanation
Amendment II. The Right to Keep Weapons (1791)	
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.	Because of the necessity of a well-regulated militia, the people's right to bear arms is protected.
Amendment III. Stationing Soldiers (1791)	
No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.	The government may not force people to house or feed soldiers in private homes during times of peace or in time of war, unless Congress provides for it by law.
Amendment IV. Search Warrants (1791)	
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.	A search warrant must be issued by a judge. There must be a good reason for its use, and the search must be limited to the place and things described in the warrant.
Amendment V. Rights of the Accused (1791)	
No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.	No person shall be held in a crime unless indicted by a grand jury (except under military jurisdiction in times of war or public danger). No person can be tried twice for the same offense; nor shall anyone in a criminal case be forced to testify against himself; nor be denied due process of law; nor private property be taken for public use without fair compensation.

The Constitution	Explanation
Amendment VI. Rights of the Accused (1791)	
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.	People accused of crimes are entitled to a quick, public trial before an impartial jury in the area where the crime was committed. The accused shall be informed of the charges against them. They shall have the right to confront and cross-examine those who testify against them. They shall have the court's assistance in finding favorable witnesses. If they cannot afford to hire a lawyer, the court must provide one.
Amendment VII. Jury Trial in Civil Cases (1791)	
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.	The right to a jury trial is guaranteed in cases where the amount in question is greater than $20.00.
Amendment VIII. Bail and Punishment (1791)	
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.	A person accused of a crime is allowed to leave jail before trial after posting a reasonable bail. No such cruel and unusual punishment as torture and beheading are allowed.
Amendment IX. Powers Reserved for the People (1791)	
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.	The people maintain rights even if they are not specifically listed in this Constitution.
Amendment X. Powers Reserved for the States (1791)	
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.	Powers not granted to the national government (see Article I, Section 8) or denied the states (see Article I, Section 10) remain with the states or the people.

The Constitution	Explanation
Amendment XI. Suits against States (1798)*	
The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.	A citizen who wishes to bring a suit against a state must bring this suit in the courts of the state being sued.
Amendment XII. Elections of President and Vice-President (1804)	
The Electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; —The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; —The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of	Each elector will cast one vote for president and one for vice-president, instead of two votes without distinguishing between their choices for president and vice-president. The electors will meet in their states and vote for a president and a vice-president and record the votes for each. This list will be sent sealed to the president of the Senate at the place where the government meets. The Senate president will open the sealed ballots in the presence of the House and Senate, and the votes will be counted. (This amendment does not say who actually counts the ballots.) The person with the greatest number of votes will be president, if he has a majority; if no one has a majority, the election will immediately be thrown into the House of Representatives, which will choose among the top three candidates. Each state in the House casts only one vote. A quorum of two-thirds of the states is necessary to proceed, and the candidate must have a majority of all the votes cast. If there is no majority, and it is time for the president to take office, the vice-president will serve as president in his place. The election of a vice-president in the case of no single candidate having a majority will essentially follow the same procedure, except the final vote will be thrown into the Senate rather than the House of Representatives.

*Passed by Congress, March 1794; ratified by states, January 1798.

The Constitution	Explanation
Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.	

Amendment XIII. Abolition of Slavery (1865)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.	Slavery may no longer exist in the United States.
SECTION 2. Congress shall have power to enforce this article by appropriate legislation.	Congress has the power to make laws to enforce this provision.

Amendment XIV. Rights of Citizens Protected from the States (1868)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.	All people (including former slaves) who were born in the U.S. are citizens of the U.S. and the states where they live. No state may make any law reducing the rights of American citizens, such as the right to vote in national elections and to travel. No state can deny anyone the procedural rights of Americans, such as the right of a fair trial; nor can the state make laws applying to separate groups on an unfair basis (such as segregating school children by race). (Much of the meaning of this very important amendment has been expanded by 120 years of interpretation since it was passed in 1868.)

The Constitution	Explanation
SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.	If a state denies a portion of its voting age males the right to vote, its representation in Congress can be reduced by the percent of those who were denied the vote.
SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.	All officials who violated their oath to support the Constitution by fighting with the South against the United States during the Civil War are disqualified from holding federal or state office. By a two-thirds vote of each house, Congress can remove this provision.
SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.	The debt of the government during the Civil War will be paid, but the Confederate debt will not be paid; nor shall any slaveowner be paid for loss of their slaves.
SECTION 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.	Congress has the power to make laws to enforce these provisions.

The Constitution	Explanation
Amendment XV. The Right to Vote (1870)	
SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.	No citizens may be denied the right to vote because they were once slaves.
SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.	Congress has the right to make laws to enforce these provisions.
Amendment XVI. Federal Income Tax (1913)	
The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.	The federal government may tax incomes from any source without regard to census return as stated in Article I, Sections 2 and 9.
Amendment XVII. Direct Election of Senators (1913)	
The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.	The U.S. Senate shall be elected directly by the qualified voters of each state, not by their state legislators.
When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.	The governor of a state shall fill vacancies to the Senate until an election takes place.
This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.	This amendment does not change the terms of any senators.

The Constitution	Explanation
Amendment XVIII. Prohibition (1920)	
SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.	The manufacturing, sale, transportation, and importation of alcoholic beverages in the U.S. is prohibited.
SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.	Both Congress and states have the power to enforce this ban.
SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.	In order to take effect, this amendment must be ratified within seven years of its submission to the states.
Amendment XIX. Woman Suffrage (1920)	
The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.	Citizens may not be denied the right to vote because of their sex.
Congress shall have power to enforce this article by appropriate legislation.	Congress can make laws to enforce this provision.
Amendment XX. Terms of Presidents and Congressmen (1933)	
SECTION 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.	The president's term of office ends at noon on January 20th; Congressional terms end on January 3rd.
SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.	Congress shall meet at least once a year, beginning on January 3rd, unless they choose a different date.

The Constitution	Explanation
SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a president shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.	This amendment provides for the order of succession to the office of president in case the president-elect dies before taking office. The vice-president-elect will become president; if the vice-president is not qualified, Congress can by law decide who shall act as president or how the person to act as president will be elected.
SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.	The House of Representatives can decide the order of succession to the office of president in case of the death of the person who otherwise would have become president; the Senate can do the same in case of the death of a person who otherwise would have become the vice-president.
SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.	
SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.	For this amendment to take effect, it must be ratified within seven years.

Amendment XXI. Repeal of Prohibition (1933)

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.	
SECTION 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.	The amendment prohibiting the sale of alcoholic beverages is repealed.

The Constitution	Explanation
SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.	In order for this amendment to take effect, it must be ratified within seven years.

Amendment XXII. Two-Term Limit for Presidents (1951)

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted at President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.	The president may be elected to serve only two terms in office. He may be elected for only one term if he has already served more than two years of another president's unfilled term.
But this Article shall not apply to any person holding the office of President when the Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.	A sitting president at the time this amendment was proposed or passed is not barred from serving another term in office.

Amendment XXIII. Voting in Washington, D.C. (1961)

SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:	
A number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by the State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.	Voters in the District of Columbia may vote for presidential electors and may have as many but no more electors than the least populous state.

The Constitution	Explanation
SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.	Congress can make laws to enforce this provision.

Amendment XXIV. Elimination of Poll Tax in National Elections (1964)

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.	Failure to pay a poll or other tax cannot be used to prevent any citizen from voting in a national election.
SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation.	Congress can make laws to enforce this provision.

Amendment XXV. Presidential Disability and Succession (1967)

SECTION 1. In case of the removal of the President from office or his death or resignation, the Vice-President shall become President.	The president (as previously provided under the Constitution) shall be succeeded in office in case of death, removal, or resignation, by the vice-president.
SECTION 2. Whenever there is a vacancy in the office of the Vice-President, the President shall nominate a Vice-President who shall take the office upon confirmation by a majority vote of both houses of Congress.	In case the office of vice-president is vacant, the president may appoint a candidate, who must be confirmed by majority vote of both houses of Congress.
SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.	If the president cannot carry out his duties, he may assign the vice-president to take his place.

The Constitution	Explanation
SECTION 4. Whenever the Vice-President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.	When the majority of cabinet and leaders of Congress determine the president is unfit, his place can be taken by the vice-president.
Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice-President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office.	In case the president and cabinet disagree whether the president can assume his duties, Congress by a two-thirds vote will decide if he is fit.
Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or, if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice-President shall continue to discharge the same as Acting President; otherwise, the President shall assume the powers and duties of his office.	

Amendment XXVI. Vote for Eighteen-Year-Old Citizens (1971)

SECTION 1. The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or any state on account of age.	The minimum age in all elections is 18.
SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation.	Congress can make laws to enforce this provision.

In the 1980s, two amendments were sent to the states but were not ratified. One was called the Equal Rights Amendment, passed by Congress in 1972. It said:

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SECTION 3. This amendment shall take effect two years after the date of ratification.

The second amendment proposed to give residents of the District of Columbia full voting representation in Congress. Passed by Congress in 1978, it read:

SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and Article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

SECTION 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

SECTION 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

SECTION 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by legislatures of three-fourths of the several States within seven years from the date of its submission.

Chapter Questions

1. What are the advantages of a relatively short Constitution?
2. Do you think the Constitution is well-organized? Explain your answer.
3. How were the issues you discussed at the mock convention resolved in the Constitution?
4. What do the two amendments that were not ratified by the states in the 1980s tell you about our Constitution?

CHAPTER 12: THE DEBATE OVER RATIFYING THE CONSTITUTION

Even before the convention was over, John Lansing and Luther Martin went home to fight against the Constitution. Of the delegates who stayed to the end of the session, Elbridge Gerry, George Mason, and Edmund Randolph refused to sign the Constitution.

For the Constitution to replace the Articles of Confederation, the people's representatives in nine of the thirteen states had to approve (ratify) it. Would nine states ratify? Or would the country continue under the Articles of Confederation? The answer was decided in separate battles in the thirteen states.

The Ratification Struggle

The small states were pleased with the representation they won in the Senate. Few of them objected to the Constitution. The vote, however, was very close in the four large states whose approval was needed: Pennsylvania, Massachusetts, Virginia, and New York.

In Pennsylvania the Federalists, as the friends of the Constitution were called, were quick to call the vote. Their opponents, the Anti-Federalists, never got organized. With James Wilson ably answering all their arguments, the Anti-Federalists lost 46-23.

Massachusetts was the home of Shays' Rebellion. Here, both Sam Adams and John Hancock had to be talked into supporting the Constitution before it carried, 187-168. In Virginia, the Federalists had to overcome the opposition of Patrick Henry, George Mason, and Edmund Randolph. Washington was able to convince Randolph to speak in favor of the Constitution. A motion to ratify passed with ten votes to spare.

Meanwhile, Alexander Hamilton was able to hold off the vote in New York until news arrived that Virginia had ratified the Constitution. The Federalists then threatened to have New York City join the Union, even if the rest of the state did not. These tactics worked; the Federalists won by three votes.

The Debates

What were the arguments in favor of the Constitution? What were the arguments against it? Read the following quotes from debates at the state conventions. Which are more convincing? Would you have been a Federalist or an Anti-Federalist? Would you have voted for the Constitution as it was presented to the people, without any of the amendments?

Anti-Federalist Arguments against the Constitution

How short your memories are, you who want a new Constitution. You do not remember that the Articles of Confederation were good enough for us during the eight years we were at war with England. You do not remember that we were ruled by them when we beat the world's strongest nation.

You do not remember that they were written by our greatest patriots.

The Constitution, however, was written by men of ambition and cunning. It was written in secrecy, behind closed doors. While these men were making chains for the nation, the rest of us were fed stories of imagined weaknesses under the Articles of Confederation. We will not believe their rot!

We have two main objections to the Constitution.

First, we object because the Constitution will destroy the power of the states. In the place of our democratic state governments we will again have a dictatorship like the one England forced on us.

The powers of Congress under the Constitution are completely unlimited. By its power of taxation, Congress can take all of the property belonging to our people. This is not just my imagination. The

Constitution says (Article I, section 8): "The Congress shall have power to lay and collect taxes, duties, etc. to pay the debts, and provide for the common defense and general welfare of the United States."

There is not even one word on the power to tax saved for the state governments. Congress therefore can have every single source of taxation. They can pass laws stopping states from taxing the people. The unlimited power given in Article I, section 8, clause 18, can do the job on the states. This clause allows Congress to: "make all laws which shall be necessary and proper for carrying out all the foregoing powers, and all other powers given by this Constitution in the government of the United States."

If that is not enough, the supremacy of the laws of the United States is also set up in Article VI: "this constitution and the laws of the United States which shall be made under it...*shall be the supreme law of the land...anything in the constitution or laws of any State to the contrary notwithstanding.*"

The lawmaking power given Congress is unlimited in its nature. It is so complete in its exercise that this alone is enough to completely destroy the states. They would be swallowed up like a whirlpool and sucked under for ever.

We also dissent from this Constitution because it will start a dictatorship.

As all can see, this Constitution does not have a Bill of Rights stating the unalienable rights of men. Without the full, free, and safe enjoyment of these rights, there can be no freedom—no right of conscience—no guarantee for a trial by jury. Once more, there is no freedom of the press—without which there can be no other freedoms. The argument that they are in the state constitutions is just so much nonsense. The Constitution, as we have seen, overpowers the state constitutions in all matters.

We also object because the President has the power to veto laws. The veto can be overruled only by two-thirds of the representatives and the senators. That gives the President too much power.

We also object because of the long terms of the President and the Senators and the methods by which they are elected.

Federalist Arguments for the Constitution

There are times when troubles are so thick that few indeed understand their causes. We are living in such a time. Only the wise and far-seeing know the reason for our nation's problems. The cause, my friends, is the Articles of Confederation. Fortunately, however, we have a new Constitution that can solve these problems.

The fault with the Articles of Confederation is easy to see. It is their lack of power. Under the Articles, Congress could declare war, but did not have the power to raise armies or collect taxes. How can you wage war without men or money? Under the Articles, Congress could draw up treaties, but lacked the power to enforce them. It could borrow money, but not collect taxes to see it repaid. It could coin money, but not stop the states from issuing their own. In brief, Congress could make all kinds of recommendations. But it lacked the force to see that they were carried out. What a pitifully weak government these disunited states had!

The Constitution writers agreed that a strong national government was absolutely necessary. They had the good sense to give the government enough power to solve the problems this nation faced. At the same time they did not take too much power from the states.

In their great wisdom, the delegates looked back into history. They realized that in the past, governments that had depended on one man or one group of men always ended up in a dictatorship. So they decided to have three great branches of government. Each branch would be separated from the

others. Thus we have the executive (president) separate from the legislative (Congress) and the judicial (courts).

There were many difficulties at the convention. It was only with many compromises that these problems were solved. That is why some parts of the Constitution will be liked more by some than by others. But it was the great talent of the convention to unite sometimes different ideas in one plan.

There are many objections to the Constitution. Most of these are without good reason. A few are honest, and we will try to answer those.

We are told that there is no freedom of the press in this Constitution. But the fact is that the Constitution says no more or less about the freedom of the press than the constitution of New York. We are told there is no protection of a trial by jury; but there is in some cases, and the Constitution takes it away in none. Complaints are made there is no Bill of Rights. But those who complain there is no Bill of Rights in the Constitution make no complaints there is no Bill of Rights in their own state (New York). It is true that Bills of Rights were necessary in days that kings ruled. The kings had to admit by some sworn act called a Bill of Rights, that certain stated rights belonged to the people. But, there is no need for that here, thank God, for we have no kings in America.

Let those who are honest in their hope for a better Constitution from another convention think of the time it would take. Let them think how hard it would be to carry out in our embarrassing situation. How easy it would be for foreign countries to continue plotting against us. Let us think of how long our fights will continue with one another; how unprepared we would be, how open to further hostility and insult. Think only how unprepared we will be for defense. How long can we continue without Union, without Government, without money, and without credit?

Chapter Questions

1. Identify or define and briefly explain the importance of each of the following:
    - the four big states
    - Federalists and Anti-Federalists
    - "short memories"
    - secrecy
    - examples of the Confederacy's lack of power
    - 3 branches of government
    - freedom of the press
2. Write a speech either in favor of ratifying the Constitution or opposing ratification. Begin by saying whether you are for or against ratification. Then state three arguments you will make. Follow this by supporting each of the three arguments with information from one of the speeches and references to the Constitution and/or the ways the Founders solved the major problems faced by the convention. Your speech should include strong statements, humor, and predictions of what will happen if the country does not agree with your point of view. Some example arguments are listed on the following page:

For ratification:	Against ratification:
The Constitution has a system of checks and balances so no one will get too much power.	The Constitution is not democratic; the common people will not have a voice in the government.
The country under the Articles of Confederation is falling apart; only the new Constitution can save it.	The Constitution gives too much power to the new government; it does not give the states any power.
A bill of rights is not needed; nothing could be done to end slavery without breaking up the country.	The Constitution does not give the people any rights and allows slavery to continue.

CHAPTER 13: THE FOUNDERS' MOTIVES

Over the past 200 years, Americans have perceived the motives of the Founders in different ways. The historians who wrote the first interpretations of the Founders' motives tended to idealize these men. The Founders were cast as demi-gods – men with power approaching the divine. They were believed to have put aside personal ambition to devote their superior wisdom and intelligence to creating a perfect Constitution. The Founders were heroes who rescued the young nation from the chaos and bankruptcy of the Critical Period and established a central government capable of preserving order and protecting individual rights. The Constitution, in short, was the expression of the great ideals for which the American Revolution was fought.

But not everyone has seen the Founders this way. Other historians have criticized the Founders, saying that they wrote a Constitution that helped them make money for themselves. Another criticism addressed the Founders' lack of concern for the poor and minorities.

In this chapter, you will read some of the arguments for these views of the Founders. Then you will have a chance to decide which view you support.

Views of the Founders

The view of the Founders as heroes has been echoed by many historians. In the 1880s John Fiske pronounced the Constitution "one of the longest reaches of constructive statesmanship in the world." Writing 80 years later, Clinton Rossiter called the Founders "heroes" who engaged "with clear eye and silent heart in an uncertain enterprise for some purpose larger than the gratification of their own ambition."

The romantic view of the Founders has been challenged by a group known as the Progressive historians. They wrote their interpretations in the first decades of this century. It was a time of reform, when much corruption was being uncovered. Led by Charles Beard, these historians claimed they found evidence that the Founders were neither idealistic, patriotic, nor disinterested. First published in 1913, Beard's *An Economic Interpretation of the Constitution* concluded that the Founders "immediately, directly, and personally...derived economic advantages from the establishment of the new" government under the Constitution.

The basis for some of Beard's startling conclusions were Treasury records showing that 40 of the 55 Founders held federal bonds that were later sold back to the government for much more than they cost. Beard also pointed out that the Founders were generally wealthy businessmen and politicians, engaged in slavery, shipbuilding, and other commercial ventures including speculation on western lands. All of these enterprises, Beard claimed, would be far more profitable with a strong central government capable of establishing a uniform currency, enforcing trade treaties, protecting its commercial shipping, and pushing the British and the Indians off western lands.

Beard's economic interpretation was widely condemned by many historians and an outraged public. But other works tended to support some of Beard's conclusions. By the mid-1930s, with the United States in the midst of the Great Depression, Beard's work had become respectable.

Serious research into Beard's theory was not conducted until after World War II, at the beginning of the Cold War with the Soviet Union. This was a period of strong American patriotism. Whether these post-war historians were directly influenced by the events of the 1940s and 1950s is hard to say. But, their research did find serious flaws in Beard's work. Robert E. Brown, for instance, traced every footnote of Beard's book back to its original source. There he found ample reasons for rejecting Beard's interpretations. For instance, Brown learned that many who opposed the Constitution also owned government bonds. Furthermore, he discovered that many of the bonds owned by the Founders were bought after the Constitution was written. As to the Founders' business involvement, Brown asserted,

"If members of the Convention were directly (financially) interested in the results of their work, so also were most of the people of the country."

Although most of Beard's conclusions are no longer accepted, reputable historians still see knowledge of economic concerns as important. In a carefully researched study of the Anti-Federalists, Jackson Turner Main concluded they were concerned with democracy and opposed the centralizing and aristocratic tendencies of the Founders. "What the Anti-Federalists feared," Main wrote, "...was that the power given to a national government would be wielded by an upper class."

Most Americans today would probably agree with the heroic interpretation. This view is in line with the optimistic patriotism of Ronald Reagan. This reverence is also spurred by the celebration of the 200th anniversary of the writing of the Constitution. During the two or three years of preparation for the bicentennial, hardly a negative word about the Founders or their work was reported in the media.

In a book published in the year of the bicentennial, noted historian Richard Morris lent support for the heroic interpretation of the Founders' motives. Morris' work, *The Forging of the Union*, praised the Fathers as "sober realists" and dismissed those opposed to the Constitution as "isolated, state-centered, and libertarians."

One of the few criticisms of the Constitution that attracted widespread attention in the year of the bicentennial was voiced by Thurgood Marshall, the only black person to have served on the Supreme Court. Marshall did not see the Founders' "sense of justice...particularly profound." He said that it took many amendments and "momentous social transformation" to realize the respect for individual rights that we enjoy today:

> I do not believe the meaning of the Constitution was forever 'fixed' at the Philadelphia convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. (Quoted in *The New York Times*, May 8, 1987)

In the following sections, you will have a chance to read some of the arguments made by Fiske, Rossiter, Beard, Brown, and Main. As you read these quotations, try to decide which view you think is correct.

The Founders as Heroes—John Fiske and Clinton Rossiter

> It is worth our while to pause and observe the character and composition of one of the most memorable assemblies the world has ever seen. Mr. Gladstone (Prime Minister of England) says that "...the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man." (John Fiske, *The Critical Period in American History*, Boston: Little, Brown, 1888, p. 223).
>
> I call these men heroes in deliberate defiance of the ban placed upon this word by most serious-minded historians. By hero I mean a leader of men who engages with clear eye and stout heart in an uncertain enterprise for some purpose larger than the gratification of his own ambition or the rewarding of his own friends, and whose deeds work a benevolent influence on the lives of countless other men... The men of 1787 were, in short, both dutiful wards of the past and creative makers of the future, and that is why they should have a special appeal to the troubled men of this generation. They were heroes who stayed within the limits of the political, social, economic and cultural circumstances of their time, heroes who seemed to know instinctively just how far to push their luck in choosing among the alternatives that were to be found within

these limits. (Clinton Rossiter, *1787: The Grand Convention*, New York: Macmillan, 1967, pp. 18-20).

The Founders as Feathering Their Own Nest – Charles Beard

The movement for the Constitution of the United States was originated and carried through principally by four groups of personalty (property) interests which had been adversely affected under the Articles of Confederation: Money, public securities, manufacturers, and trade and shipping. The first firm steps toward the formation of the Constitution were taken by a small and active group of men immediately interested through their personal possessions in the outcome of their labors.

The members of the Philadelphia convention which drafted the Constitution were, with few exceptions, immediately, directly, and personally interested in, and derived economic advantage from, the establishment of the new system. The Constitution was essentially an economic document based upon the concept that the fundamental private rights of property are anterior (superior) to government and morally beyond the reach of popular majorities. (Charles Beard, *An Economic Interpretation of the Constitution of the United States*, New York: Macmillan, 1956, pp. 324-325.)

The Founders as Representing the Whole People – Robert Brown

The movement for the Constitution was originiated and carried through by men who had long been important in both economic and political affairs... and if their property was adversely affected by conditions under the Articles of Confederation, so also was the property of the bulk of the people in the country...

The movement for the Constitution, like most important movements, was undoubtedly started by a group of men... If their own interests would be enhanced by a new government, similar interests of other men, whether agriculture or commercial, would also be enhanced.

If members of the convention were directly interested in the outcome of their work and expected to derive benefits from the establishment of the new system, so also did most of the people of the country...

...A constitution which did not protect property would have been rejected without question, for the American people had fought the Revolution for the preservation of life, liberty, and property...

The Constitution was created about as much by the whole people as any government could be which embraced a large area and depended on representation rather than on direct participation... And it was created by compromising a whole host of interests throughout the country, without which compromises it could never have been adopted. (Robert E. Brown, *Charles Beard and the Constitution*, New York: Norton, 1956.)

The Founders as Aristocrats – Jackson Turner Main

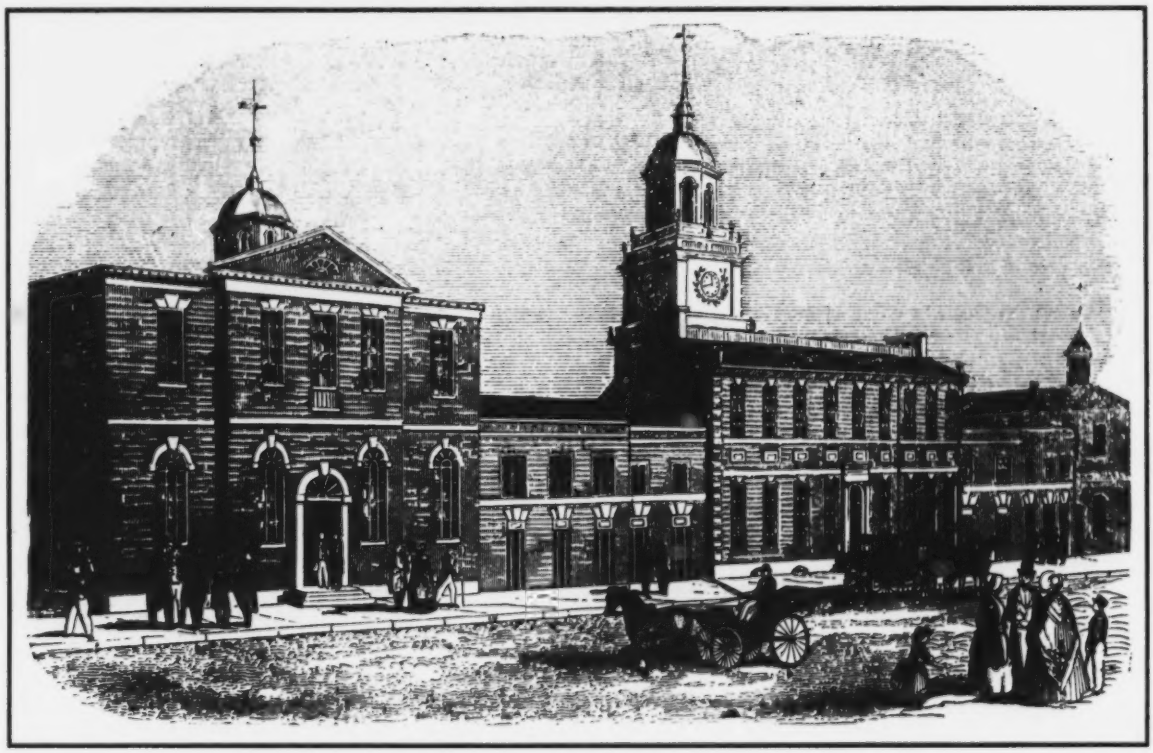
What the Anti-Federalists feared, then, was that the power given to a national government would be wielded by an upper class. The easiest way of avoiding such dominance would have been to concede no power at all, but if some had to be granted, it should not be so much as to enable the few to oppress the many. The Philadelphia convention, they believed, had gone too far. William Findley... remarked that "the natural Course of Power is to make the Many as Slaves to the few." Samuel Chase wrote to John Lamb that he objected to the Constitution chiefly because "the bulk of the people can have nothing to say to it. The government is *not* a government

of the people." In the Maryland convention he said (or planned to say) that only the rich and well born would be chosen to Congress. Most Anti-Federalists were convinced of this, and had little doubt what would happen under the proposed system... An "aristocratic tyranny" would arise, in which (as Timothy Bloodworth wrote) "the great will struggle for power, honor and wealth, the poor become a prey to avarice (greed), insolence (snobbery), and oppression." John Quincy Adams noted in his diary that the Constitution was "calculated to increase the influence, power and wealth of those who have any already." (Jackson Turner Main, *The Anti-Federalists: Critics of the Constitution*, Chicago: Quadrangle, 1964, pp. 132-133.)

Chapter Questions

1. Identify or define and briefly tell the importance of each of the following:
   - demi-gods
   - Progressive historians
   - Robert E. Brown
   - "direct (financial) interest"
   - bicentennial
   - Richard Morris
   - Thurgood Marshall
   - "particularly profound"
   - Jackson Turner Main
2. What influence did the events of the times in which they were writing have on the ideas of John Fiske, Charles Beard, Robert E. Brown, Richard Morris, and Thurgood Marshall?
3. What do you think were the real motives of the Founders – patriotism or personal (economic) interests? You are to write an essay giving your answer to this question. Your teacher will provide some guidelines for writing the essay.

APPENDIX: THE MEN OF PHILADELPHIA



The scene: Independence Hall, Philadelphia

The time: May 1787

James Madison was one of the first to arrive. He and Edmund Randolph came from Virginia in the company of George Washington. The three went to stay with friends in the city. One of their hosts, Benjamin Franklin, was over 80 and had only a few years to live. Before the convention even started, the delegates from Pennsylvania and Virginia began to plan the shape for the new government they were to form.

Altogether, 55 men came to Philadelphia. They were a talented group, perhaps the most talented ever to assemble for the purpose of writing a Constitution. They represented 12 of the 13 states. Only Rhode Island refused to send delegates.

Among the famous Americans missing were John Hancock, Sam Adams, and Patrick Henry (he said he "smelled a rat"); Thomas Jefferson and John Adams were serving in foreign countries. Those who came were well-educated and experienced in government. They included slave-owners from the South, merchants from the North, a large company of lawyers, and various men of business. All had been in politics. Many of them knew first-hand the frustrations of running a government with no money and no power.

The men who came to Philadelphia were not average Americans. While most Americans were poor, these men were well off. While most Americans were farmers, these men were lawyers, slave-owners, shippers, etc. While few Americans owned government bonds, 40 of the 55 had invested in such securities. While many Americans were either poor slaves or indentured servants, the delegates

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did not include anyone from these groups. Below is a listing of the moneyed interests of the men who attended:

- 40 had invested in government bonds.
- 14 had bought land hoping to sell it for a profit.
- 24 had lent money at interest.
- 11 had invested money in manufacturing and shipping.
- 15 owned slaves.

Abraham Baldwin of Georgia – 1754-1807

Born in 1754 in Guilford, Connecticut, Abraham Baldwin attended Yale, where he studied the classics. He graduated at age 17. He remained at Yale for several more years, however, studying law and tutoring.

Baldwin's public career began in Georgia, where he had gone in 1784. He was known to have a pleasant personality and a great deal of charm. It was enough to get him elected to the Georgia state legislature only three months after arriving in his newly adopted state. For the next 22 years, Baldwin served Georgia as a state legislator, in the Continental Congress, at the constitutional convention, in the House of Representatives, and in the U.S. Senate. It was his proud boast as he lay dying in 1807 that the two previous days were the only two he had missed in his long career as a public servant. Baldwin was known for having founded the University of Georgia. Baldwin was a simple but forceful speaker at the convention and later in the U.S. Congress. His major contribution in Congress was to serve on the committee that drew up the Bill of Rights. As a national legislator, Baldwin defended states' rights. This was somewhat out of character from his role in the convention, where he favored a strong national government.

One area in which Baldwin wanted to avoid too much national power was slavery. He considered this issue "of a local nature." Though he argued that Georgia, if left to its own devices, "may probably put an end to this evil," he was strongly against the national government's having a say in this matter.

In another area, Baldwin again seemed to favor property rights more than human rights. While discussing the establishment of two houses in the legislative branch, Baldwin spoke in favor of having the second "represent property," adding "some reference should be made to the relative wealth of the constituents."

Little information is available concerning Baldwin's finances. We do know, however, that he had enough money to go to Yale, educate his six half-brothers and -sisters, and pay the debts of his father's estate when the old man died. He made his living by practicing law in Savannah, Georgia, where he was considered one of the shrewdest and most able lawyers in the state. He owned several thousand dollars worth of bonds under the Articles of Confederation, which he later traded for public securities. He continued to buy U.S. Treasury notes after the formation of the new government.

David Brearley of New Jersey—1745-1790

Brearley was a college dropout who started to practice law at age 22. He became active in protests against the British and gained considerable fame in New Jersey by denouncing British policies. Arrested by the British for treason, Brearley was freed by an angry mob. Later he joined the colonial militia, starting as a captain and raising to the rank of colonel. In 1776, he helped his state write a new constitution. Shortly before his death in 1790, Brearley became a federal judge.

Brearley's main concern at the convention was to have each state represented equally in the new Congress. This was particularly important to him because New Jersey was a small state and in danger of being outvoted by the larger states.

Brearley was also interested in giving more power to the national government. Much of his time at the convention was spent writing the clauses that give the government its power today.

Brearley was not a wealthy man. During most of his life, he supported himself with the small salary of a government official.

John Dickinson of Delaware—1732-1808

Dickinson was born to a family wealthy enough to afford private tutors and an English education for their son. He began his protests against British policies by denouncing the Stamp Act. He became famous all over the colonies for opposing taxation. Nevertheless, he voted against independence in 1776 and refused to sign the Declaration. Later he enlisted in the army and served as a foot soldier. He moved from Pennsylvania to Delaware and helped write its constitution. Later, Dickinson headed the committee that wrote the Articles of Confederation but wanted to give the government much more power than it had. At different times in his career, he was elected president (governor) of Delaware and of Pennsylvania.

Dickinson had the reputation of a great scholar and a very successful lawyer. He was not known as a good speaker.

In politics, Dickinson's views were extreme. He wanted the national government to be much stronger and the states to be far weaker. He thought there was a danger that the states would swallow the national government.

Dickinson admired England and thought that a "limited monarchy" was one of the best forms of government in the world. A king, Dickinson thought, would be able to do what he thought was best for the country without having to worry whether the people agreed. In addition, Dickinson wanted a Senate, like the English House of Lords. Dickinson thought the president would be kept honest if Congress had the power to remove him for misconduct or neglect in office.

Coming from a small state, Dickinson liked the rule that all states had one vote in Congress.

Dickinson did not trust the people of the country. He was afraid they would support bad laws, like issuing paper money. He wanted only people with property to vote.

Dickinson thought that slavery was bad and the national government should make sure that no more slaves would be brought into the country.

Money had a way of sticking to John Dickinson. He was born rich, married rich, earned a lot of money in his law practice, and made successful investments in real estate in three different states.

Oliver Ellsworth of Connecticut – 1745-1807

Ellsworth had the good fortune of being born to a well-to-do Connecticut family. He attended Princeton College and graduated in 1766. He taught school and served as a minister before starting a law practice in 1771. During his first year in law, he was so poor he had to walk 20 miles each way to Hartford because he could not afford a horse. Later, however, he married the daughter of a well-known family and moved his office to Hartford. He was soon considered one of Connecticut's best lawyers.

During the Revolution, Ellsworth represented Connecticut in the Continental Congress for six years. After the convention, Oliver Ellsworth was appointed U.S. senator. In 1796, he was appointed to the Supreme Court and later became chief justice.

Ellsworth was known for his habit of talking to himself, his use of snuff, and his absent-mindedness. Once he became so lost in thought that he completely neglected a visitor to his house whom he had invited. Ellsworth was also known for his ability to speak out in debate and his attention to his responsibilities.

With Roger Sherman, Ellsworth was in favor of having two branches of Congress, a Senate to represent the states, and a House of Representatives to represent the people.

Although he wanted to divide power between the state and national governments, Ellsworth was afraid that a strong national government would not be a good government. He thought the large states in the country were the worst governed.

Ellsworth did not trust the people of the country to make important decisions. He wanted the state legislatures – not the people in the states – to decide whether the Constitution would be accepted. He wanted electors chosen by the people, rather than the people themselves, to elect a president. And he wanted the president to serve for six years because he did not want elections too frequently. He did not trust the people to choose their senators, but, he thought they could be trusted to elect the House of Representatives.

Ellsworth personally opposed slavery but did not want to end the slave trade because he thought every state should make such a decision for itself.

Besides being a successful lawyer, Ellsworth was a good businessman, often buying and selling real estate at a profit. He once bought government bonds for $530 that he later cashed in for $5,985.

Benjamin Franklin of Pennsylvania – 1706-1790

With the possible exception of George Washington, Benjamin Franklin was the best-known man in America. Born in poverty and mostly self-educated, Franklin gained a worldwide reputation as an inventor, scientist, and diplomat. He learned printing from his brother; later, his *Poor Richard's Almanac* was read over the whole nation. His public career started in 1754, when he proposed his Albany Plan of Union, the first proposal for colonial unity.

Franklin served his colony, his state, and his country, first as an agent from Pennsylvania to Parliament and later as America's ambassador to England and to France. His diplomacy in England helped postpone the Revolution, while his work at home helped bring the colonies closer to declaring their independence. In Philadelphia in 1776, after a ten-year absence, Franklin helped write the Declaration of Independence. Later, he helped write the Pennsylvania Constitution, considered to be the most democratic in the colonies. As an ambassador to France, he helped cement the alliance that brought French help to the American Revolution. Five years later, he helped negotiate the treaty with England that ended the war.

Back in Pennsylvania, Franklin was elected governor; two years later he served at the convention, which made the dream of unity, first proposed in 1749, become a reality. He died in 1790, honored by the whole nation.

At the convention, Franklin served as a compromiser, using his wit and wisdom to calm angry tempers and bring people together. He was very important in obtaining the compromise that created the Congress, with a House of Representatives based on population, and a Senate giving each state two votes.

Franklin also favored bringing the spirit of democracy to our Constitution. He, more than most men in Philadelphia, trusted the common people and spoke of their "public spirit." He favored giving Congress power to impeach the president for malpractice and neglect of duty.

He wished to make the national government supreme, giving it the power to veto laws passed by the states.

When asked, after the Constitution was written, whether it was a republic (democracy) or a monarchy, he is supposed to have said, "a republic...if you can keep it."

Elbridge Gerry of Massachusetts – 1774-1814

Gerry was born to well-to-do parents who were merchants. He was educated at Harvard and learned politics from Samuel Adams.

Gerry was active in protests against British policies while serving in the Massachusetts General Assembly. When the British marched to Lexington in 1775, they were after Gerry as well as his friend Sam Adams. Elbridge Gerry escaped capture by hiding in a cornfield dressed in this nightclothes. The next year, Gerry represented Massachusetts in the Continental Congress. He was one of the signers of the Declaration of Independence and later served again in the General Assembly.

Gerry was one of the three delegates to the convention who refused to sign the Constitution. He worked in Massachusetts to defeat it. Despite this opposition, Gerry later served as a representative from Massachusetts and an ambassador to France. He also became governor of Massachusetts and died while serving his country as vice-president.

Gerry was know to be a man of great honesty and good manners. He was not known for giving great speeches, but was known for his manners and love of country.

After Shays' Rebellion, Gerry changed his views of the common people. At one time he had spoken in favor of democratic principles. But the rebellion of Massachusetts farmers against their own government convinced Gerry that the people were not trustworthy. "The evils we experience," Gerry told the convention, "stem from too much democracy." "Perhaps," Gerry thought, "a limited monarchy would be the best government."

However, Gerry was not completely comfortable with these anti-democratic ideas. In keeping with democratic principles, Gerry believed in having elections every year to allow the people to control their government. He also was very much in favor of impeaching (getting rid of) the president if he failed to follow the Constitution. He was also in favor of a bill of rights, and he would do nothing in the Constitution to permit any kind of slavery. He was also against giving the Senate too much power, because senators were chosen for six years.

Elbridge Gerry was against giving the national government too much power. He would give it the power to prevent states' creating paper money. But he was worried that the national government would interfere too much with the state governments. In the end, he opposed the Constitution because it gave too much power to the national government and did not contain enough democratic sections.

Gerry probably would have benefited greatly by an increase in the power of the national government. His shipping business depended on a country strong enough to prevent others from interfering with its trade. Gerry's investment in western lands would have paid him better if the national government were strong enough to drive the Indians off. The $50,000 he had used to buy government bonds would also have been worth more if the national government were strong enough to pay back the bond-holders. But Gerry was a man of principle, and his principles told him to oppose the Constitution.

Nathaniel Gorham of Massachusetts – 1738-1796

A fourth-generation American, Gorham was born to a poor family. He attended school in Boston. He went to work at age 15 as an apprentice to a merchant. Six years later, Gorham went into business for himself and did very well. When the British captured Charlestown, Gorham was wiped out and had to start all over. He made another fortune by pirating from British ships and speculating. But Gorham bought more western land than he could pay for and went bankrupt when he was unable to sell it at a decent price.

Starting in politics as a member of a town meeting, Gorham quickly rose to the Massachusetts House of Representatives. He served there as speaker for three years and later served as one of the Massachusetts delegates to the Continental Congress, where he briefly held the position of president.

The last eight years of his life, Gorham spent trying to pay off a six million dollar debt caused by his purchase of western lands. He was never able to sell the land or pay off his debts. He died in 1796 without ever setting foot on the property that caused him so much pain.

Gorham was known as a man of good sense but not much education. He was an agreeable person with a pleasing manner.

In politics, Gorham was connected to the party that opposed Sam Adams, John Hancock, and Elbridge Gerry. He favored a much stronger national government, one strong enough to force its will on every state. Such a government, Gorham thought, would be able to "do justice" throughout the country.

Gorham also believed in democracy. He did not want only people with property to vote. He favored a four-year term for senators. Gorham, however, would allow slaves to be imported until 1808. He also did not think the country needed a bill of rights, because the representatives of the people in Congress would not take away the rights of the common man.

Alexander Hamilton of New York – 1755-1804

Few Americans worked so hard for America and accomplished more than Alexander Hamilton. He was born in the West Indies to unmarried parents. At age 13, with little education, he started to work as an accountant. He attracted the attention of some wealthy Americans, who brought him to New York. He spent two years finishing his high school education and then attended what is today Columbia University. Here he started a debate society and wrote pamphlets against England. At age 21, Hamilton quit school and became commander of an artillery company. Later, George Washington recognized his talent and used Hamilton as his personal secretary and aid. Hamilton tired of serving Washington, for whom he did not have much respect, and asked to have his own command. Finally granted his wish, Hamilton distinguished himself in the last battle of the war by storming the British positions at Yorktown. During and immediately after the war, Hamilton found time to earn a degree in law and to woo and marry wealthy Elizabeth Schuyler.

As early as 1781, Alexander Hamilton suggested increasing the strength of the national government. His legal abilities and social connections soon made him one of the best-known lawyers in the state. He was elected to serve as a member of the Continental Congress. Here he devoted his efforts to calling the constitutional convention.

Even though Hamilton's views were too extreme for the other delegates at the convention, he had a major influence. He worked hard to have the government made stronger and later to get people to vote in favor of the Constitution.

After the convention, Hamilton served as the nation's first secretary of the treasury. From this position, Hamilton had a great influence over the policies of the government, even in other areas than his own. He became a leader of the Federalist party. Long after he retired from government, he still controlled the actions of many of his followers in Congress and in the president's cabinet.

After returning to New York, Hamilton was continuously frustrated by the activities of an opposition leader, Aaron Burr. The feud between Hamilton and Burr became so bitter that they eventually decided to settle it with a duel. Hamilton accepted Burr's challenge even though he could not shoot. It has been said that Hamilton wanted to prove himself by the military code of that day, so he could eventually gain respect of the army and lead America in a war against France. Whatever his hopes were, they ended at the duel. Burr's bullet found its mark, and Hamilton, only 49, died of the wound.

Hamilton, brilliant as he was, was also vain and sometimes disagreeable. But, he could be charming, had one of the best minds in the country, and was an extremely hard worker.

Of all the delegates at the convention, none spoke more openly in favor of a strong national government and against democracy. He thought little of the common man, who he believed "seldom judged or determined right." He favored having a king. To balance the power of the king, Hamilton wanted a House of Representatives elected by the people for two-year terms. He also wished to have a Senate that would serve for life.

Hamilton was equally extreme on the powers of the national government. He would, if he could, completely eliminate the state governments. Governors appointed by the president would rule over the states. He also opposed a bill of rights.

Hamilton so devoted himself to public service that he completely neglected his personal and family finances. Despite his high legal fees, despite his wealthy wife and excellent social connections, Hamilton was usually in debt. Many of his father-in-law's friends made money as a result of Hamilton's policies. He himself thought what was good for the wealthy was good for the country. But Hamilton never profited personally and died in debt.

Rufus King of Massachusetts – 1755-1827

Born in what today is Maine, Rufus King was the son of a wealthy farmer-businessman. He went to Harvard College and practiced law in Newburyport, Massachusetts. King interrupted his law practice to serve as a Brigadier General in the Revolution. In 1784, he was elected to represent Massachusetts in the Congress under the Articles of Confederation. He is best known in this period for introducing a bill to prevent slavery in the Northwest Territory.

In 1786, King married the only daughter of a very wealthy New York merchant. He spent the next summer representing Massachusetts at the constitutional convention; shortly afterwards he settled in New York, where, with the exception of his foreign service, he lived all of his life. He spoke frequently at the convention, was an ardent nationalist, favored a long term for the U.S. president, once defended Alexander Hamilton's preference for making the U.S. a monarchy, and opposed the continued importation of slaves. Despite his aristocratic views, King enjoyed an excellent reputation and great popularity in New York. He was known for his personal charm, horsemanship, intellect, and handsome face.

In his political life after the convention, King was an ally of Alexander Hamilton and a leader in the Federalist party. He ran twice for vice-president but was soundly defeated. His continued tenure as senator from New York, were twice interrupted when King served as ambassador to England – once under President John Adams, and the second time under Adams' son, John Quincy Adams. He became ill shortly after his arrival for his second tour in England and came back to the United States, where he died at the age of 72.

Rufus King was outspoken on four major issues before the convention. He believed in a plan of representation according to population, in increasing the powers of the national government, in maintaining checks and balances, and stopping the importation of slaves. It was not surprising that King, who came from a large state, favored representation according to population. But his vehemence and the strength of his arguments were highly unusual. He did not want to hear of a compromise and declared himself "full of astonishment that we should be ready to sacrifice the substantial good (from his proportional representation plan) to the phantom of State sovereignty."

When the question arose as to just how much power the government should have, King said "(t)he only criterion of determining what is federal and what is national is this, those acts which are the government of the states *only* are purely federal, those which are the government of the Citizens of the individual States, are national and not federal."

Another area where King expressed his views dealt with the subject of democracy and checks and balances. He thought the "three great departments of government should be separate and independent: the Executive and the Judiciary should be so as well as the Legislative: that the Executive should be so equally with the Judiciary." King wanted the president to be free to be reelected but also thought he should be impeachable. The mode of electing the president "would be a group of electors, chosen by the people for that purpose."

King also had strong views on allowing the importation of slaves. Their admission into the country, King said, "was a most grating circumstance" to his mind. His opposition was in part motivated by the fact that all of the states should be bound to defend one another, and slavery made the states weaker and increased the danger of a rebellion.

Rufus King never lacked for money. His father, who supplied the Boston market with much of its lumber, owned 3,000 acres of land. Though shared with brothers and sisters, this property proved a valuable inheritance. King added to that through his marriage. King speculated in public securities in amounts up to $10,000 – quite a tidy sum in those days. He also bought up U.S. bank stock when it became available in 1791. He became the director of the first Bank of the United States.

John Langdon of New Hampshire – 1741-1819

Born on his family's farm in 1741 as the youngest of six children, Langdon was apprenticed to a merchant as a young man. He soon shipped out to sea, but quickly came to investing his own money in trade. By the time the Revolution hurt American commerce, Langdon had laid the foundation for his fortune.

Four months before the Battle of Lexington, he led a group of colonists who seized 100 barrels of British gunpowder in Portsmouth. When a few years later the British headed from Canada to New York, John Langdon publicly pledged $1,000 in cash, another $3,000 on account, and 77 hogsheads of rum to help furnish a military campaign against the enemy. Claiming this money would mean nothing if the British won, Langdon quit his post as speaker of the New Hampshire House of Representatives. He shouldered his musket and led a unit of the New Hampshire militia – as a captain in the Battle of Bennington and later as a colonel at Saratoga. Upon his return, he was appointed to represent New Hampshire at the Continental Congress. Here he used his commercial skills to outfit the U.S. Navy.

John Langdon not only paid his own way to the constitutional convention because of New Hampshire's shortage of state funds, but also paid for the only other New Hampshire representative to come. Though he missed several weeks, Langdon nevertheless played a significant role at the convention. In general he favored granting far more power to the national government than he later wanted it to exercise. He worked for ratification by delaying the vote in New Hampshire until his pro-Constitution views had prevailed. His later service included stints as governor of New Hampshire and as a U.S. senator. He turned down an opportunity to serve Thomas Jefferson as secretary of the Navy and to run for vice-president. He died a wealthy and much revered man at age 78.

Because Langdon arrived late at the convention, he missed some votes on the representation issue. However, when it came to voting on how the president should be elected, he joined Delaware as the only small states that thought the president should be elected by both houses of Congress. This system gave Delaware many fewer votes than the states with larger populations.

On most issues, Langdon was a staunch nationalist. On the issue of allowing states to coin money, Langdon was overwhelmingly opposed. He said he'd "rather make George Washington King of America" than allow the states to coin their own money. Langdon was not impressed with states' rights advocates. Langdon agreed with Pinckney of South Carolina that Congress should have the power to "negative (veto) all laws passed by the several States interfering in the opinion of the Legislature with the General interests and harmony of the union."

On the issue of democracy and checks and balances, Langdon did express support for an elector system for indirect voting for president. He also wanted to make no efforts to limit the number of voters. On that issue he agreed with Wilson that they were "providing a Constitution for future generations." In addition, Langdon argued that too "many Exclusions would make the system unacceptable to the people."

On slavery, Langdon was "strenuous for giving the power to the General Government" to stop the slave trade. He "could not with good conscience leave it with the States who could then go on with the traffic of slavery, without being restrained by the opinions here given that they will themselves cease to import slaves."

Despite his humble beginnings, Langdon became one of New Hampshire's wealthiest men. He bought U.S. and state bonds – sometimes at very low prices. When these were paid off in full, Langdon made good money. Later he invested in the Bank of the United States and advised his state to do so.

John Lansing of New York – 1754-1829

John Lansing was known as a fine and generous host, who was always ready to entertain all men of good taste. This included his political opponents. He was not known for his great knowledge of law. Nevertheless, he started practicing law at age 21, served as a military aide during the war, served several terms in the New York State Assembly, twice as speaker, and was several times elected to serve as mayor of Albany. After the convention, Lansing was chief justice of the New York State Supreme Court. He stayed in politics until age 60. He disappeared mysteriously some ten years later after leaving his hotel room in New York City to mail a letter. He was never seen again.

John Lansing was sent to the convention because his views on states' rights and democracy were just the opposite of Alexander Hamilton's. Lansing had instructions only to amend the Articles of Confederation. He opposed the new Constitution because it tended to "consolidate the United States into one government." Lansing favored a plan of government in which each state would have one vote. Although he would give the national government power to regulate trade, enforce treaties, and raise money, he did not wish to go much further than that.

Even though he opposed the Constitution, Lansing would have amended it by adding a bill of rights.

One of the richest men in his party, Lansing owned over 40,000 acres. He had a very successful law practice and owned more than $7,000 worth of securities.

James Madison of Virginia – 1751-1836

In some ways, all of James Madison's life was a preparation for the constitutional convention. Madison was born in a wealthy family, the oldest of ten children. He was tutored at home and then attended Princeton College. Here he studied very hard. He came home after graduating to tutor his younger brothers and sisters. In 1774, he became active in the protests against England; two years later he helped write the Virginia Constitution. Later he served as an advisor to Governor Patrick Henry and then as a delegate to the Continental Congress. Here he was one of the most outspoken champions for a stronger national government. Back in Virginia, he opposed paper money and favored a system of public education. He later worked to revise the old Articles of Confederation and write the Constitution.

At the convention, Madison knew more than anyone else about the history of ancient and modern governments. He also knew most of the important people of his day. At the very beginning of the convention, he was behind a move to change the articles radically. He was responsible for the Virginia Plan introduced by Governor Randolph. Madison spoke more than all but two delegates to the convention and took the only set of good notes that we have today. After the convention was over, he helped write essays that did much to have the Constitution ratified. Madison was known as the "father of the Constitution."

After the convention, Madison was elected to the House of Representatives. Here he sided with his friend Thomas Jefferson, working against Alexander Hamilton and George Washington. With Jefferson, Madison organized the Democratic party. Later, he became the fourth president of the United States.

Madison worked so hard that he became known as a "political monk." His wife, the famous and charming Dolley Madison, became one of the most loved hostesses in Washington; Madison did not marry until late in life because he was too involved in politics.

In favor of a strong central government, Madison was afraid the states would be taken over by special-interest groups. These he called factions. There were factions of debtors, creditors, landlords, landless people, farmers, manufacturers, and so forth. The faction Madison feared most was the faction consisting of the majority of the people. The smaller factions could be out-voted; the majority would be far harder to stop.

To prevent a faction consisting of most of the people from taking over the government, Madison had several ideas. First, he would extend the government over the whole country. While factions might get together to control a single state, it is unlikely that they would gain control over the entire nation. Second, he would let only people who owned property free and clear to vote. Third, he would have the senators hold office for nine years. Fourth, he would allow the national government the power to veto or cancel any law passed by the states. Finally, he would have the president serve for seven years.

Madison, being from Virginia, was in favor of giving more power to the states with more people. He wanted the Senate elected by the House of Representatives, and the president chosen by both House and Senate, not the people. Even though he owned slaves, Madison was against admitting in the Constitution the idea that there "could be property in man." Had he the power, Madison would have ended slavery immediately.

James Madison's main interest was politics. He spent little time tending to his farm or to his law practice. Most of his income came from the poor salaries given public officials and gifts from family or loans from friends; he left a very small estate when he died in 1836.

Luther Martin of Maryland – 1748-1826

One of the most interesting characters to attend the convention, Luther Martin had quite a reputation. He was known for his love of alcohol, long speeches, spending money, and states' rights. Born to a poor family with nine children, Martin somehow got to Princeton. He graduated at age 18 and then taught school while studying law. He was a great success at the law, earning over $1,000 per year. He soon attracted the attention of powerful politicians and was appointed attorney general for the state of Maryland. With some exceptions, Martin held that job for 30 years. He was also active in the opposition to England. He was one of the few men at the convention who favored paper money and laws making it easier for debtors to pay what they owed. At the convention, Martin spoke for hours at a time, boring his colleagues. After returning to Maryland, he opposed the Constitution. He made many strong speeches denouncing the delegates, claiming that they were only interested in increasing their own power.

As attorney general for Maryland, Luther successfully defended Aaron Burr (who had shot Hamilton) against treason. He continued his fight against strong government by opposing the Bank of the United States in 1819. He lost the case to have it declared unconstitutional. Luther Martin died in 1826 at the home of Aaron Burr.

At the convention, Martin opposed every single proposal to increase the strength of the federal government. He arrived late but immediately threw himself into the struggle to prevent "the large States from having all power in their hands." He thought the only excuse to have a national government was to protect the state governments. He thought the states were by nature equal to each other.

Because he believed in the rights of the states and in the rights of the individual, Martin wanted each state to have an equal vote in Congress. He also did not want to give the national government any more power. And he wanted to protect the liberties of the people with a bill of rights.

Although he himself owned six slaves, who were house servants, Luther Martin opposed slavery. He opposed slavery as "inconsistent with the principles of the revolution and dishonorable to the American character."

Because he lost the battles on the issues he considered so important, Martin decided that the other delegates "did not consider that either states or men had any rights at all." He also thought they were only interested in their own profits and advancement. Nor did he hesitate to condemn these men.

Luther Martin was equally good at spending money as he was in making it. With the money earned from his law practice and in salt mines, he invested in homes left vacant by people (Tories) who sympathized with England. As attorney general for the state of Maryland, he enjoyed prosecuting Tories who had left for England and stripping them of their properties.

George Mason of Virginia – 1725-1792

One of the older men at the convention, George Mason was born rich and improved his position by marriage. He spent most of his life taking care of his huge plantation of 5,000 acres and 300 slaves. Unlike most Virginians, Mason took care of his property himself and did not hire overseers to run it for him. Also unlike most of the delegates, Mason preferred private life to public service. He quit serving in the Virginia House of Burgesses in 1769 because he was tired of its "blathers." Later, he turned down an appointment to the U.S. Senate.

Despite Mason's love of privacy, he was an important man in Virginia politics for over 30 years. He was a neighbor of George Washington and a friend of Jefferson, Madison, Monroe and other famous Virginians. He often acted as host for a small group of men who planned political campaigns that influenced our history. A brilliant writer, Mason wrote many famous documents, including a Declaration of Rights, and protests against the slave trade.

Mason ended a ten-year political retirement by attending the constitutional convention. Here he played an important role but later opposed the Constitution he helped write. He swore he'd rather chop off his hand than sign the Constitution. After the convention, he retired to his plantation and kept out of politics until his death in 1792.

About 60 years old at the time of the convention, Mason was considered an excellent speaker and politician.

At the convention, Mason feared the other delegates would steer too far away from democracy and toward monarchy. Mason wanted to include a bill of rights in the Constitution but was defeated in his attempts. He also wanted to limit the power of the president. In keeping with his democratic principles, Mason also opposed the slave trade. He argued strongly against slavery because it has a bad effect on the masters and "would bring the judgment of heaven" on the country.

Mason also had an undemocratic side. He favored six-year terms for senators to protect "the right of property" and wanted to limit the right to vote. He thought people with property, with money, or with children should be allowed to vote, because it was some evidence that they had a "permanent common interest with the Society."

Mason wanted a national government not too strong and not too weak. In the end, the Constitution did not suit him. He was upset that it might be able to deprive the states of all of their powers. He did not think that it restricted the powers of Congress enough. He also opposed the Constitution because he thought it gave too much power to the president and included a Senate that too closely resembled a House of Lords.

Upon his death, George Mason's huge estate included 15,000 acres in Virginia and 60,000 acres in Kentucky, 300 slaves, and debts of $30,000 owed to him.

Gouverneur Morris of Pennsylvania – 1752-1816

Born to one of the richest families in New York, Gouverneur Morris had one brother who signed the Declaration of Independence and another who became a major general in the British army. His father was dead, and his mother sided openly with the British. Morris himself often feared that the Revolution would turn into mob violence. Nevertheless, he served the colonists' cause. He played a leading role in the Continental Congress, where he was known for defending George Washington every time the commander-in-chief came under attack.

At the constitutional convention, Morris was one of the most talkative delegates. As chairman of the Committee on Style, he wrote the final draft of the Constitution. After the convention, Morris served as ambassador to France. He was replaced because he openly sided with the King after the French Revolution started. Morris then spent the next ten years in Europe. He was selected to serve in the Senate after his return. He was married in 1809. He died at his family estate, six years later.

Despite the lack of one leg and a severely burned arm, Morris was popular with women. Few delegates had more wit and charm than Gouverneur Morris.

Like Hamilton, Morris was outspoken in his anti-democratic opinions. He was particularly worried that the masses of people whom he called "the ignorant and the dependent" would eventually become a majority. To prevent them from controlling the country, Morris wanted senators to serve lifelong terms, like the Lords in England. He would not have paid the senators, so none but the rich would serve.

Morris would also have made the president independent of the people. Therefore it would not have been possible to impeach him.

Like Hamilton, Morris also wanted a strong national government. He thought that the states were the "bane of the country." He wanted to "take out the teeth of these serpents." Therefore, he proposed that the national government have power to make laws "in all cases for the general interest of the Union."

On the issue of slavery, Morris was surprisingly democratic. He opposed slavery, which he thought wicked and the curse of heaven.

Since Morris was not the eldest son, he inherited $2,000 instead of the family estate. He made enough money in his law practice to eventually buy the estate, but he never was able to earn enough money to clear it of all debts owed. Despite the large amounts Morris owed others, he lived his life in high style.

William Paterson of New Jersey – 1745-1806

During his long career, William Paterson served his state in all levels of government. He started on a town committee during the Revolution, became a state senator, the state attorney general, a U.S. senator, and New Jersey's governor.

The son of an Irish immigrant, Paterson came to the colonies in 1747. His father settled around Princeton and earned enough money to send his son to the local college. William graduated in 1763, studied law, and passed the bar exam five years later. He started in politics to protest England's policies, eventually became the state's attorney general, and returned to private practice, where he did very well.

At the convention, Paterson impressed others with his ability to speak and his understanding of the issues. On June 15, 1787 he laid the New Jersey plan before the convention. It called for each state having one vote, as under the Articles, but Paterson was willing to create a much stronger government than previously existed.

He wanted all acts passed by Congress to become "the Supreme law" of the states. He believed the president should have the power to enforce these laws. After the compromise that gave the small states equal power in the Senate was reached, Paterson was willing to further strengthen the national government. He was pleased, he later wrote his wife, to support the Constitution.

Paterson's major investment was an estate that had belonged to a sympathizer with England. The treaty with England that ended the Revolution called for such estates to be returned to the original owners. New Jersey was very reluctant to enforce that part of the treaty. A strong national government might make the states return such properties; and this would have hurt Paterson.

William Pierce of Georgia – 1740-1789

Not much is known of William Pierce's early life. His birth state is sometimes given as Virginia and other times as Georgia. His public career began in 1776 when he became a captain in the Continental Army. He received a congressional special award for his services in 1782.

Pierce had a great deal of trouble in business. One company he owned failed. The second company was paid for with the dowry he received from his wife. This business was badly hurt by a sudden decline in prices. Chosen in 1786 to represent Georgia in the Continental Congress, Pierce instead spent most of his time tending to business affairs in New York. He later left the constitutional convention in 1787 to return to his failing business in New York. Although Pierce was able to save the business, he never escaped from his great debts. He died in 1789, still deeply in debt.

William Pierce is probably best known for a series of descriptions he wrote about the other delegates to the convention. Not much is known about his political views. He came from a small state and favored giving every state an equal vote in Congress. He thought that "state distinctions" should be sacrificed for the general government. He eventually agreed with the compromise that created a Senate chosen by the states and a House of Representatives chosen by the people. He favored three-year terms for senators, rather than the six proposed. It may be assumed that he was more inclined to democratic solutions to most problems than many of this fellow delegates.

Charles Pinckney of South Carolina – 1758-1822

The son of a wealthy plantation owner, Charles Pinckney expected to study law in England. The beginnings of the Revolution prevented that, however. Instead, Pinckney finished his studies earlier. At age 21, he began to practice law and was elected to the state legislature. The next year he was captured while serving as an officer in defense of his city, Charleston. After his release in 1781, Pinckney went back to his law practice. Three years later he represented South Carolina in the Continental Congress. He came to the constitutional convention as its youngest member. In fact, he lied about his real age. After playing an important part in the convention, Pinckney went on to become governor of South Carolina and a U.S. senator, representative, and ambassador.

Handsome, intelligent, and self-confident, Pinckney was well read and hard working. He knew something about every subject that might arise in conversation.

Pinckney wanted to be sure that the wealthy people would control the government. He proposed that the president have at least $100,000; judges and representatives, somewhat less. Senators should be appointed by the state to serve for life. The people could not be trusted to elect the president; this would be done by Congress. An election by the people, Pinckney thought, "will be led by a few active and designing men."

The president should serve a seven-year term. He should not fear that the legislature could impeach him, because this would weaken him. "If he opposes a favorite law," said Pinckney, "the two Houses will combine against him."

Pinckney wanted the national government to be strong. The states should be kept in their place. The national government should be able to veto any state law it considers improper, for any reason.

Pinckney wanted representation in Congress on the basis of population. He opposed any plan that would give the states an equal vote even in one branch of the legislature. He opposed any plan that would prohibit the slave trade. He also wanted a provision to insure the return of slaves who escaped to the North.

Charles Pinckney favored a bill of rights and proposed one before the convention. Freedom of the press, freedom from having troops quartered in private homes, and no armies in time of peace were among the rights listed in his proposal.

Charles Pinckney could earn $5,000 a year when he practiced law, a very good income in those days. Despite the fact that he only spent a small part of his time practicing law, Pinckney earned enough to buy over 100 slaves, a very lavish town house in Charleston, a plantation, and $14,000 in government securities.

Edmund Randolph of Virginia – 1753-1813

Born to a well-known Virginia family of lawyer-politicians, Edmund Randolph kept the family tradition. He attended the College of William and Mary, where he did very well. He then studied law under his father. The Revolution split the Randolph family. The father, mother, and two sisters remained loyal to England and left Virginia soon after the war began. An uncle, Peyton Randolph, was the president of the Continental Congress. Edmund, then 23, stayed in the colonies and served in the convention that wrote the new Virginia constitution. Governor Patrick Henry appointed Randolph attorney general. While he held that position, he also represented Virginia in the Continental Congress. In 1786, he became governor. As the leader of the Virginia delegation to the convention, Randolph presented the Virginia Plan. It called for a much stronger national government; a House of Representatives elected by the people, with the largest number of votes going to the large states; and the Senate and the president elected by the House.

Even though the Constitution eventually included many ideas resembling those from Randolph's Virginia Plan, he did not favor the Constitution. But, after receiving a letter from George Washington, Randolph worked to have it ratified. Later, he served under Washington as attorney general and then secretary of state. He resigned when accused of passing secrets to the French ambassador; he claimed to be innocent. He retired to practicing law.

Edmund Randolph opened the main business of the convention with a long speech criticizing the Articles of Confederation. He blamed all the problems with paper money and trade on the weakness of that constitution. Later, he also blamed the problems of the country on "follies of democracy." To correct these evils, Randolph wanted a balanced government. A democratic House of Representatives should be balanced against an aristocratic Senate. Randolph also favored a balance between national and state governments. He wanted the national government to have the power to defend itself, but he did not want to give it too much power at the expense of the states. Though regretting slavery, Randolph thought it necessary to protect property in slaves.

When the Constitution was finally written, Randolph did not feel it met his test as a balanced government. He feared it would give the national government too much power. Washington convinced Randolph to support the Constitution, which he eventually did. Randolph played an important part in getting the Constitution ratified in Virginia.

While in public office, Randolph sometimes complained that his father had not handed a fortune down to him. When he finally got his Uncle Peyton's estate, it was so burdened with debts that it did not help Randolph very much. After retiring from public life, he did very well. He died leaving an estate of 7,000 acres, 200 slaves, several houses, and about $80,000.

George Read of Delaware – 1733-1798

One of six sons of a very wealthy father, George Read received an excellent education. He started practicing law at age 20. Ten years later he was appointed state attorney general. He was later elected to the Delaware General Assembly. Here he spoke out against British policy. Later he served in the First and Second Continental Congresses and tried to avoid war with England. He voted against independence in 1776, but signed the Declaration. Later he served his state as governor, senator, representative, and chief justice.

Read was not known for any great talent as a speaker or lawyer, but was known as a good and pleasant man. George Read came to the convention with instructions not to change the rule of each state having one vote. Later he wrote to John Dickinson to hurry to Philadelphia and oppose the large states from swallowing the small.

Despite his opposition to representation by population, Read favored making the national government more powerful. He wanted to give it the power to veto laws passed by the states. He hoped that the people's attachment to their states would be "extinguished."

Some of Read's other views were similar to those expressed by Dickinson and Hamilton. He wanted senators, like judges, to hold their seats for life. He wanted to give the president the right to appoint the senators. The president, furthermore, should have the power to veto laws passed by Congress, and Congress should not have the right to override his veto. This would make the U.S. president more powerful than the King of England. In fact, Read's entire plan for government was copied from the English system.

George Read gave up his inheritance from his father because he felt that he had already benefited enough from it by the excellent education it bought for him. Although he never earned a great deal from his law practice, he was able to live in splendor in a large mansion overlooking the Delaware River. He invested small sums of money in government bonds.

John Rutledge of South Carolina – 1739-1800

John Rutledge was one of the best and most successful lawyers in the whole country. He was tutored at home and sent to England for his education in law. He returned to Charleston in 1760 and began practicing law. In 1763 he won all 52 cases he tried. After that he could ask the highest fees, earning about $40,000 a year from his practice. Before the Revolution, John Rutledge owned five plantations, over 240 slaves, and nine different pieces of town property.

In politics John Rutledge was equally successful. He was elected to the South Carolina Assembly at age 22, appointed attorney general three years later, and South Carolina delegate to the Stamp Act Congress in 1765. He also served in the Continental Congress, played a major role in writing the state constitution, and became governor of South Carolina. He resigned because some changes made in the constitution were too democratic for his taste. The English confiscated his property to punish him for siding with the colonists. For some reason, he failed to recover his property or to continue his law practice after the war.

After the constitutional convention, Rutledge served as a member of the Supreme Court. After the death of his wife in 1792, Rutledge was broken in health and spirit and did little in the way of public service.

At the convention, Rutledge argued that office holders should own large amounts of property. He did not apply the same rule to voters, because he feared "this would make an enemy of all who would be excluded." Rutledge proposed that the president serve a seven-year term, that he be eligible for re-election, and that he be subject to impeachment.

In defending the slave trade, Rutledge argued that "religion and humanity have nothing to do with it." "Interest alone," he claimed, "is the governing principle with Nations." He told the North that they too would benefit by the slave trade, for slaves were shipped in boats supplied by the North. Later, Rutledge told the convention that North Carolina, South Carolina, and Georgia would never approve the Constitution if it took away their right to import slaves.

Rutledge also opposed giving the national government the power to veto laws passed by states. "If nothing else," he argued, "this alone would damn and ought to damn the Constitution." Furthermore, Rutledge proposed a bill of rights, stating that he was in favor of prohibiting a bill of attainder (conviction of a crime by an act of the legislature), *ex post facto* laws (laws passed after an act is committed, making it a crime), and the suspension of *habeas corpus* (putting people in jail without due cause).

Roger Sherman of Connecticut—1721-1793

A "jack and master of all trades" is the best description for Roger Sherman. Born to a farming family in Newton, Massachusetts, Sherman at one time in his life was a farmer, shoemaker, surveyor, storekeeper, landowner, printer, lawyer, and always a politician. At one time he held five public offices. He had little formal education and taught himself everything he had to know. Sherman entered politics in 1755 when he was elected to Connecticut's General Assembly. Later he was appointed to the governor's council and served in the Continental Congress. Sherman was one of the few Americans who signed the Declaration of Independence, the Articles of Confederation, and the U.S. Constitution. He also revised Connecticut's laws, served as mayor of New Haven, and represented Connecticut in Congress. He died in 1793, shortly after his appointment to the U.S. Senate.

Sherman had a clear head, was an able politician, and was extremely capable of accomplishing anything he set out to do. Sherman is best known for having brought about, along with Franklin, the compromise that gave the United States its two houses of Congress. The House of Representatives, based on population, favored the large states. The Senate, where each state had equal votes, favored the small states.

Sherman favored increasing the power of the national government while protecting the rights of the states. He wanted to give Congress the power to make laws in all cases that would affect the whole country but allow the states to handle all cases that affected only them. The problem, of course, was to figure out what came under each of those headings.

Sherman favored frequent elections to "preserve the good behavior of the rulers." He thought that the people should not vote directly for their rulers because "they lack information and are likely to be misled."

Although Sherman opposed slavery, he did not want to end the slave trade for fear that the Southern states would not accept the Constitution. He believed the government should protect people's rights but thought a bill of rights was unnecessary. He believed that the states would protect the rights of the people.

Sherman was never really wealthy. His eldest sons were failures in business, and Sherman spent a lot of money bailing them out. He spent a great deal of money buying government bonds. They were repaid only the year before his death. In the meantime, Sherman stayed out of debtors' prison mainly because of his reputation for honesty and help from his daughters. Much of his land in New Milford was sold because he could not pay taxes due on it.

George Washington of Virginia – 1732-1799

George Washington was elected president of the constitutional convention but hardly said a word during the three months it was in session. His presence and approval, however, were very important. He was so respected, honored, and admired that all who talked about the president knew that George Washington would be elected to serve. Indeed, no one voted against him.

Washington had earned this reputation through many years of devoted service to his country. His career started in 1753 with an expedition into western Pennsylvania to warn France not to trespass on land claimed by England. During the French and Indian War, Washington commanded the Virginia militia. Toward the end of the war, Washington retired from military service and devoted himself to his plantation at Mt. Vernon. He increased its size from 2,000 to 8,000 acres. He lived the life of a Virginia planter, with fox hunting, weeklong parties, service in the House of Burgesses, and involvement in local politics.

With passage of the Stamp Act, Washington played a part in defending the colonists' cause. He was elected to serve in the First Continental Congress and was appointed commander-in-chief of American armies in 1775. For the next eight years, Washington served his country through defeat, discouragement, and heavy odds. His army was usually badly equipped and heavily outnumbered; his men were often ill-clad, badly armed, and untrained. Nevertheless, Washington never lost courage. His ability to continue against heavy odds, more than his military genius, eventually inspired the Continental Army to victory.

When, in the closing days of the war, Washington was told that some of his officers planned to establish a monarchy with himself as king, he declined, reminding them of their duty and the ideals for which they were fighting. Soon afterwards, he took leave of his forces and returned to the planter's life he loved so well. But his country called him into service again, first to the convention and then as president. Washington died in 1799, only three years after retiring from public life.

His mere presence at the convention helped assure its success. He had also been involved in the moves to bring the convention about. He supported a strong government and was much opposed to the Articles of Confederation. They did not give the national government enough power. He also warned the convention to do what was right, not merely "to please the people." The more detailed aspects of his views are not known. However, he probably agreed with Madison on most important issues.

When Washington died in 1799, his estate was valued at $530,000, mostly in land and slaves. The slaves were to be freed upon the death of his wife. During his life, Washington had a great desire to buy land. He owned property in at least six different states. During his service in the Army, Washington was usually broke because he accepted no salary for his services, only expenses. Washington was also short on cash because he was always borrowing money to buy more land. He was said to be the richest man in America. If this claim is not true, it is certain that there were few who had more wealth.

Hugh Williamson of North Carolina – 1735-1819

Hugh Williamson was a minister for three years before going to Europe, where he studied medicine. There he traveled and wrote on a number of different subjects, including American rights, comets, and electric eels.

Williamson personally saw the Boston Tea Party while waiting to sail on a ship to England. When he arrived in London, he told Benjamin Franklin what had happened. Returning to America, he practiced medicine in North Carolina. With his brother, he started a business trading with the French West Indies. This was closed by the British. During the war, Williamson became surgeon general of the North Carolina militia. He took an active part in inoculating the soldiers against smallpox and improving health and sanitary conditions.

Williamson entered politics in 1782, serving in the state legislature. He was later picked to represent North Carolina in the Continental Congress. Here he played an active role, trying to give the government more power.

After the convention, Williamson worked hard to have the Constitution accepted in North Carolina. Later he served two terms as a representative in Congress, before retiring from politics to write. Among his works is a two-volume history of North Carolina.

Williamson was considered a man of talent and education, with a good sense of humor and the manners of a gentleman.

Like Benjamin Franklin, Williamson was both a democrat and a nationalist. He was against putting any kind of restriction on the right to vote. He wanted to limit the power of the president by allowing two-thirds of Congress to override his veto. He also wanted to have the president impeached for malpractice or neglect of duty. He had more faith in a House of Representatives elected by the people than in a Senate appointed by the state legislatures. He wanted a bill of rights in the Constitution to guarantee the right of trial by jury.

Although personally against slavery, Williamson had to represent his state on that issue. He feared that North Carolina would not join the Union if it was forced to stop importing slaves. He thought it wrong to force a state to do anything that wasn't absolutely necessary.

Although Williamson wanted to make the national government more powerful, he would not allow it to veto laws passed by the states.

Williamson made enough money in his medical career to invest large amounts in western lands. He also bought government bonds. Both of these investments would be helped by the establishment of "an efficient national government."

James Wilson of Pennsylvania – 1742-1798

James Wilson was the only member of the convention to die while fleeing from men to whom he owed money. He was a success as a lawyer, politician, and scholar, but he was a miserable failure as a businessman. Unfortunately, his bad business sense brought about his downfall.

Wilson was born in Scotland, where he received an excellent education. He came to this country at the age of 23. Here he supported himself by tutoring while he studied law under the famous John Dickinson. In 1767 he moved west, won some important land claim cases, and began to buy land on his own account.

An early supporter of America's rights against England, Wilson won fame by writing a pamphlet that argued for the colonists' rights. He was appointed to serve in the Continental Congress, where he spoke in favor of making peace with England. Only a last-minute switch by Wilson put Pennsylvania in favor of independence. Shortly afterwards, Wilson was forced out of Congress because he opposed the democratic new constitution of the state. He moved to Philadelphia, where he did legal work for those who favored England. This so angered the patriots that a mob attacked his house. Later, he gained favor again and was elected to serve in the Continental Congress.

Wilson played a leading role at the convention. As a reward for his efforts, he was chosen to serve on the Supreme Court, but he could not enter certain states because he was wanted for bad debts. He was finally driven from Pennsylvania to avoid debtors' prison; he died in North Carolina.

Wilson was as cautious in politics as he was reckless in finances. Nevertheless, most of his positions favored democracy and a stronger national government. Although he liked the English system with its House of Lords, Wilson was in favor of senators being elected directly by the people. He also was one of the few delegates who was in favor of the president being elected by the people and not a specially chosen group of electors. He wanted the president to serve for only three years and would not have made him eligible for reelection. Nevertheless, Wilson wanted the president to be powerful enough to veto any law passed by Congress. Congress would not be given the right to override the veto.

Wilson also favored making the national government much stronger. He was not afraid that the national government would destroy the states. Instead, he feared that the states would destroy the national government. Wilson favored giving the national government power to veto any law passed by the states. This he considered to be of utmost importance. Because he wanted the national government to be so powerful, Wilson opposed limiting its power with a bill of rights.